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NMAH

SS. "FALABA"
AND
SS. "LUSITANIA"
INQUIRIES.
EVIDENCE AND REPORTS.

“ “
S.S. *Falaba*



FIRST DAY (20th MAY, 1915).

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In the Wreck Commissioner's Court.

CANTON HALL, S.W.,

Thursday, 20th May, 1915.

Great Britain.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,

Acting as Assessors.



ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "FALABA."

FIRST DAY.

THE SOLICITOR-GENERAL (SIR STANLEY O. BUCKMASTER, K.C., M.P.), MR. BRANSON and MR. DAN STEPHENS (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. BATESON, K.C., and MR. MAXWELL (instructed by Messrs. Forwood and Williams, of Liverpool) appeared as Counsel for the Owners, Mr. John Craig, Managing

Owner, Captain Peter William Thompson, Marine Superintendent, and Mr. W. C. Baxter, Chief Officer.

MR. HOLMES appeared for relatives of the Captain.

MR. RONALD McDONALD (instructed by Mr. Lewis W. Taylor) appeared for Lieut. C. C. R. Lacon, a passenger.

MR. COTTER appeared for the National Union of Stewards.

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1915.

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20 May, 1915.]

MR. BUTLER ASPINALL.

The Commissioner: Mr. Aspinall, for whom do you appear?

Mr. Butler Aspinall: I also appear for the managing owner, Captain Peter William Thompson, marine superintendent, and Mr. W. C. Baxter, chief officer. I am told the owners are not parties to the Inquiry, but, amongst others, I am representing their interests here.

The Commissioner: Who is Mr. Walter Baxter?

Mr. Butler Aspinall: He was the chief officer of the "Falaba."

The Commissioner: For whom do you appear in addition to the persons cited?

Mr. Butler Aspinall: The owners of the vessel.

The Commissioner: What is the firm?

Mr. Butler Aspinall: Elder, Dempster and Company, Limited, of Liverpool. To be quite accurate, it is the Elder Line, Limited. Elder, Dempster & Co. are the managers.

The Commissioner: And are not they the owners?

Mr. Butler Aspinall: They manage, and they own certain shares.

The Commissioner: Then the Limited Company manage, and the Limited Company, Elder, Dempster and Company, are shareholders, with other people; is that it?

Mr. Butler Aspinall: Yes, my Lord. Might I, at this early stage of the Inquiry, be allowed, on behalf of the owners, to express their sincere sympathy with the relatives and friends of these unfortunate people who lost their lives on the occasion of this casualty?

The Solicitor General: My Lord, shortly after noon on the 28th March, the passenger steamship "Falaba" was sunk. She was sunk at a distance of about 66 miles west of St. Anne's Head and south of the Irish coast. Her loss was accompanied with a grievous loss of life, and an Order has been issued by the Board of Trade, for whom I appear, with my learned friends, Mr. Branson and Mr. Stephens, directing an Inquiry into the circumstances under which this loss arose.

Now, My Lord, there could be no doubt in this case as to what it was that occasioned the loss. In many cases in which Inquiries such as this are directed, as your Lordship knows, while there are sometimes doubtful circumstances as to whether extra vigilance or diligence on the part of the Captain might not have avoided the disaster; indeed there are occasions when your Lordship has to examine into the loss that is associated with the unforeseen and unavoidable perils of storm and tempest. No such circumstances exist here. There is no doubt whatever as to how this unfortunate vessel met her end. A defenceless, unarmoured, unoffending vessel carrying passengers, she was torpedoed in broad daylight by a torpedo discharged from a German submarine at a distance of not more than one hundred yards. My Lord, I am not going to attempt by the use of words to weaken the effect of such a statement. There are some deeds that are louder than any language and the circumstances, the undeniable, indisputable circumstances under which the vessel lost her life will tell, more strongly than any words I can use, the shame and disgrace of the people who destroyed her.

The circumstances which it is necessary for me to state to your Lordship in the opening of this Inquiry will be compressed as far as I possibly can, because I cannot help thinking that the real point to which this Inquiry will be directed will, in the end, prove to be a simple one.

The steamship "Falaba" was a passenger steamship holding a passenger certificate: she was certified to carry 282 persons; she was registered in the port of London, and her tonnage was 3,011 tons. She left the port of Liverpool at 6 p.m. on the afternoon of March 27th, and she then had on board a crew of 95, and passengers to the number of 147. She was certified as entitled to carry a crew of 92 and passengers to the number of 182. There was no doubt, therefore, that she was not in any way overladen with passengers.

I am not going to give your Lordship in opening the details of her equipment, but it is essential that I should point out to your Lordship what were the life-saving appliances that she possessed. Being a passenger ship, of course, she was bound to have the certificate of the Board of Trade as a passenger ship, and this had been obtained on the 22nd December, 1914. That certificate enabled her to have her total passengers made up of 118 first class and 72 second class. As your Lordship knows, the number of lifeboats she must carry is determined by her

length, and the length of this vessel was just over 350 feet, with the result that she was bound to carry seven boats of Class 1, which would be capable of accommodating 282 persons; 12 life-buoys, 282 life-jackets, and 19 life-jackets for children, were also among the equipment she possessed; and I think your Lordship will find that, so far as the requirements of the Board of Trade were concerned, that equipment will be regarded as ample. Her lifeboats were arranged in this way: Four of them were described and distinguished as being strictly lifeboats with a capacity for carrying 49 persons apiece. Three of them were called surf boats, which would carry 28 persons apiece; and in addition to that she had a further boat, which was called a gig boat, which would carry about 30 people.

It is important, I think, for the purpose of this Inquiry, to bear in mind the way in which these boats were arranged on the vessel. Boats 1, 3, and 5, that is to say, two lifeboats and one surf boat, were ranged on the starboard side; they were on the boat deck, a deck above the saloon deck, and there they were hung with proper davits and appliances. Boats 2, 4, and 6, that is, two lifeboats and one surf boat, were on the port side also ranged on the boat deck in a corresponding manner. The other boats were put on what is called the poop deck, and they are distinguished by Nos. 7 and 8. It is not quite clear from the evidence I have had before me as to which side of the vessel No. 7 boat was. I am told that point has been cleared up. No. 7 was on the starboard side, and the gig No. 8 was on the port side. Now the arrangement of these boats was intentionally effected for the purpose of enabling the passengers to get into them in this manner. In case of disaster they were to be swung out and lowered from the boat deck to the saloon deck, and from the saloon deck the passengers were to enter the boats and they would then be lowered into the water. That would effect the lowering of all the boats excepting 7 and 8 and they would be lowered from their stands, I think, without passing any upper deck on the way down.

Now there is a question which often arises as to what arrangements have been made for the purpose of securing that, in case of accident, each member of the crew would know to what post he was assigned and what his duties were. There may be some dispute and uncertainty about this, but, as I understand, it is suggested that there was an assignment of places for the different members of the crew in relation to these boats, and that it was the practice to put up a new list shortly after the vessel had started on her voyage, and that until this was done the old list which had been used for the former voyage would be applicable. In this case, as not a day had elapsed from the time of her sailing, no new list had been put up, and the consequence was that the old list was the one by which the crew would know where they ought to go.

Now with regard to the passengers no specific directions were given them at any time as to where they were to go, and it may be there is good reason for that, because if specific directions are given to passengers and an unforeseen disaster occurred it might occur at such a place and under such circumstances that strict obedience to rules might result in disaster. I understand that is the view held by people responsible for the navigation of this vessel, and at any rate before the accident occurred no directions had been given to the passengers as to where they were to go.

Now the question of the proper equipment of these boats, that is to say whether they were properly provided with all the necessaries for saving life, is the subject I think of some doubt from the evidence. I do not desire to do more at this moment than to indicate to your Lordship what it is. It is suggested that a plug for the plug hole was missing in one of the boats; I say no more excepting that it is a possible thing that in the hurry and disturbance of getting away, a plug may be broken and lost, and on the evidence as I have seen it, it does not appear to me that that would amount to a very great and serious matter, because it was said that one lady was enabled to keep the water out of the boat by placing her finger in the plug hole. If that were so it seems to me that the use of a pocket handkerchief or a piece of rag would have been equally effectual. So far as the boats were got to sea and were properly launched no accident did in fact occur by any of the boats being unseaworthy, and I do not suggest they were. The certificate was that they were in good order and condition and I have no suggestion to place before your Lordship that that was not so.

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MR. BUTLER ASPINALL.

[Continued.]

Now, what happened and what caused the loss of life involves a short narrative of the history of the vessel on her voyage. She left as I have said on the afternoon of the 27th March, and somewhere at a time which it is not easy to fix exactly, but approximately it is put at 11.30 or 11.40, she sighted a submarine. The people who saw this vessel are quite confident she was flying a British white ensign, but she pursued the vessel and after she had come within about 300 yards it is said that she dropped the British ensign and put up the one under which she was really bound to sail. At a distance of about 300 yards away from the "Falaba" she signalled "stop and abandon ship." The vessel did not stop and within a few minutes the submarine having got closer at a distance of about 100 yards, and being then on the port side of the "Falaba" she signalled again "stop or I fire." The "Falaba" stopped, probably the result of her stopping was to cause her to slew round; at any rate the submarine took its place on the starboard side of the vessel instead of on the port side where she had formally been. Directly the "Falaba" was stopped directions were given to the passengers to get into the boats. What happened then is a matter on which there is a great deal of evidence, and I do not know how much of it will raise questions of acute controversy. But the history, as I understand it, is this. Taking the boats by their numbers, and remembering that they are placed on the vessel in accordance with the statement that I have made, boat No. 1 was got out, she was on the starboard side, and she was lowered down to the saloon deck in accordance with the arrangement I have mentioned before. A number of people, said to have been 50, got into her, and then it is stated by members of the crew that what happened was that a further number of people jumped into her bows, with the result that the man who had charge of the line let go—it was pulled out of his hand—that the man who had charge of the after stay lowered at once in order to get the boat on a level keel, but it fell into the water bow first and capsized, and threw the whole of the passengers into the sea. That was the history of boat No. 1. She was never righted, and, except so far as to enable the unhappy people to cling to her, she was useless for the purpose of saving life. No. 2 suffered a somewhat similar disaster, and there appears to be even less direct evidence as to how it occurred. I think there are suggestions in some of the survivors' evidence that the timbers of the boat gave, and that the eye through which the rope ran was pulled out. The evidence of course is not very specific upon it, but that will be placed before your Lordship for determination. At any rate this boat also was not effectually launched and fell into the sea without being able to be used for the purpose of saving life.

No. 3 which was on the starboard side was lowered and went away quite safely. No. 4 was lowered and went away quite safely with 40 people on board. No. 6 was also lowered and went away safely with about 20 people on board her, and that left Nos. 5 and 7 and the gig. The gig was got away, I think, with about 30 people on board, and Nos. 5 and 7 require some separate consideration.

The order in which these boats were being launched as far as we can ascertain from the evidence was in the order I have mentioned. It follows therefore that people were struggling in the sea owing to the failure of the first two boats at the moment the other two were in the act of being launched full of passengers. It was this moment that the German submarine selected for the purpose of driving her torpedo through the struggling people in the water straight into the starboard side of the "Falaba." The result of the shock was that these other boats were capsized and their occupants were also thrown into the water.

My Lord, there is but little further to tell about this disaster. The evidence appears to be quite clear and quite conclusive that the crew of the submarine behaved with the most heartless and inhuman brutality, though, of course, when such an act as this has been committed and a hundred people or more are struggling for their lives in the water, it must be recognised that a submarine is not best suited for rescuing and taking them all away, yet, my Lord, no manner of effort was made to save a single life, and these unfortunate people drowned in the presence of this boat, some of the passengers adding that their unavailing and despairing struggles only excited the jeers and the merriment of the men who witnessed them from the submarine.

My Lord, the rest of the story is a story upon which it is much more pleasant to dwell. The "Falaba" had a wireless apparatus, and whether by signal I am not quite sure, but at any rate their difficulties were witnessed by vessels a little way off and the crews of every one of them proved true to our traditions of the sea and, quite regardless of any possible danger from this lurking submarine, came with all speed to the scene of the disaster and did everything in their power to rescue these unfortunate people; and it was only owing to their activity, an activity which I am sure your Lordship will realise, having regard to the circumstances now attending our seas, which was not unaccompanied with grave danger to themselves, that some of the passengers and crew were saved. The total numbers that were saved were these: 48 of the crew were saved and 93 passengers; 47 of the crew were lost and 54 passengers. There is just one small consolation in connection with it. There were only seven female passengers on board, and I am glad to say that six of them were saved, and I think it is clear that the seventh was got safely into a boat. There is no suggestion that any woman suffered by even her weakness and her defencelessness. The people were picked up from the boats and the wreckage to which they were clinging, and picked out of the water supported by lifebelts and taken on board a number of trawlers and drifters and brought back as soon as possible. The exposure, of course, caused some of them to lose their lives even after being picked up, but there is no suggestion, as far as these vessels which came to the rescue were concerned, that they omitted to do anything in their power to remedy the horror of this disaster.

I believe, although I fulfilled the promise by which I bound myself not to be long, and condensed as closely as I could this narrative, that I have placed before your Lordship after all a clear outline of this event which will afford a skeleton which will be clothed by the witnesses called before your Lordship. I have particularly avoided unnecessary and needless and tiresome detail which will have to be repeated when witnesses are called, and it seems to me that by doing that I shall meet the convenience of your Lordship and those with whom you are associated, and at the same time a statement of that which this Inquiry was directed to elicit would suffer nothing by leaving such matters to be dealt with by the witnesses to be called. For the same reason I do not propose to weary your Lordship by referring to matters with which you are thoroughly familiar, the section of the statute and the circumstances under which the inquiry has been ordered, but it is of course important that I should ask your Lordship's consideration of the questions that have been propounded, and it may well be that in the course of the inquiry those questions may be condensed, some may be eliminated, and it may even be that your Lordship may think as the case proceeds some of them will be sufficiently answered, so indisputably answered as to enable your Lordship to decide that further evidence in relation to them may be dispensed with. I need only say that any such suggestion from your Lordship would be most cordially and gratefully received by myself, because of course the more you spread out a case like this and deal with matters that are not in dispute, the more you take away the important or relevant evidence from the real matters that are in dispute, you dissipate attention, and it leads to waste of time.

The questions asked are very numerous, but they have been framed in order to cover every possible contingency. I will read them through:—

"1. When the s.s. 'Falaba' left Liverpool on the 27th March last: (a) What was the total number of persons employed in any capacity on board her and what were their respective ratings and nationalities? (b) What was the total number of her passengers, distinguishing sexes and classes and discriminating between adults and children and give their respective nationalities?"

"2. Before leaving Liverpool on the 27th March last did the 'Falaba' comply with the requirements of the Merchant Shipping Acts, 1894 to 1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of passenger steamers?"

"3. Was the s.s. 'Falaba' sufficiently officered and manned?"

"4. (a) What was the number of boats of any kind on board the s.s. 'Falaba'? (b) Were the

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THOMAS MILLER.

[Continued.]

arrangements for manning and launching the boats on board the 'Falaba' in case of emergency proper and sufficient? (c) What was the carrying capacity of the respective boats? (d) Had a boat drill been held on board before the vessel left Liverpool, and if so, when?

"5. What number of life-jackets for adults and children and lifebuoys did the vessel carry? Where were they kept, and were they fit and ready for use when the vessel left Liverpool?

"6. Were any, and if so how many, and which, of the boats carried swung out-board on leaving Liverpool?

"7. At what time on the 28th March last was the German submarine first sighted by those on board the 'Falaba' and what were the approximate positions of the two vessels at that time? Were any other vessels in sight at this time, and if so what were they, and what were their relative positions as regards the s.s. 'Falaba' and the German submarine?

"8. What flag or flags were being displayed by the 'Falaba' at the time the German submarine was first sighted and thereafter?

"9. What flag or flags (if any) were displayed or shown by the German submarine (a) at the time she was first sighted, (b) at any time thereafter? Did the German submarine carry any distinguishing number or marks by which her identity could be established?

"10. What signals were made by the German submarine? At what times were they made? Was any answers made by the s.s. 'Falaba' to such signals?

"11. At what time were the engines of the 'Falaba' stopped?

"12. How near to the 'Falaba' did the German submarine approach? Were any verbal directions or messages given by anyone on board her to the 'Falaba'? If so, what were they? In what language were they given? At what time were they given? What answer (if any) was made to them by anyone on board the 'Falaba'?

"13. What orders (if any) were given by the master of the 'Falaba' after sighting the German submarine as to sending out wireless messages from his vessel? What wireless messages were in fact sent out from the 'Falaba' and at what times were they sent out?

"14. Was the 'Falaba' sunk by a torpedo fired by a German submarine.

"15. At what time and from what distance away was the torpedo fired by the German submarine? At the time the torpedo was fired had all the crew and passengers of the 'Falaba' left the ship in the boats? Were those on board the German submarine in a position to see clearly the position of affairs on board the 'Falaba' at the time the torpedo was fired? What other ships (if any) were in the vicinity of the 'Falaba' at the time the torpedo was fired?

"16. Where did the torpedo strike the 'Falaba'? When it exploded what was the result (a) to the ship, (b) to any of her boats which were being or about to be lowered, (c) to any passengers and crew then in the boats or in the water near the ship or on the ship?

"17. For how long after firing the torpedo did the German submarine remain in the vicinity of the 'Falaba'? Did those on board her make any effort to render assistance in saving life? If not, could they have done so?

"18. For how long after being struck by the torpedo did the 'Falaba' remain afloat?

"19. When were orders given by the Master of the 'Falaba' to get out the boats and leave the ship?

Were such orders promptly carried out and was proper discipline maintained? Were the boats swung out, filled, lowered or otherwise put into the water and got away under proper superintendence?

"20. How many and which boats were successfully lowered and sent away? What number of (a) crew (b) passengers were in each of these boats? To how many and which boats did accidents happen whilst they were being got out or being lowered or when in the water? What were the nature and causes of such accidents? What number of passengers and crew were in each boat at the time? What loss of life (if any) occurred by reason of the accidents to these boats?

"21. Were all the boats efficient and serviceable for the purpose of saving life?

"22. Before firing the torpedo what time was given by the Commander of the German submarine to the master of the 'Falaba' to get all on board into the boats and leave the ship safely? Was such time reasonable?

"23. How many persons on board the 'Falaba' on the occasion in question were saved and by what means? What was the number of passengers, distinguishing between men and women and adults and children of the first and second class respectively who were saved and their respective nationalities. What was the number of the crew discriminating their ratings and sexes, who were saved and their nationalities?

"24. What was the cause of the loss of the s.s. 'Falaba' and the loss of life?

"25. Is blame attributable to Mr. John Craig, Registered Manager, Mr. William Peter Thompson, Marine Superintendent and Mr. Walter Campbell Baxter, Chief Officer or to any, and if so, which of them?"

My Lord, I propose to call the witnesses now, but I regret it is not possible to call the Captain who, true to his duty, went down with the vessel.

Mr. Holmes: May I ask leave to watch the interests of the relatives of the Captain, who lost his life. He was the Master of the Vessel and was responsible for its navigation, and if any complaint is to be made about that he would be the person to bear the blame, and his relatives are very anxious that no slur should be cast on his name, and they think they ought to have someone to represent his interests. I do not propose to take any great part in the proceedings.

Mr. Cotter: I wish to ask to be allowed to represent the majority of the crew. I am the representative of the National Union of Stewards.

The Commissioner: When the time comes for you to put any questions according to your own view you must let me know what the questions are.

Mr. Ronald McDonald: May I be allowed to appear for Lieutenant Charles Lacon, who was a passenger on board at the time?

The Commissioner: Why does he want to be separately represented?

Mr. McDonald: Because he has some complaint.

The Commissioner: Then he can come and make his complaint in the witness box. We cannot allow every passenger to be separately represented.

Mr. McDonald: He is now on active service in the "Cameroons" and he wishes his interests protected as far as possible.

The Commissioner: When you hear his interests attacked you can tell me what questions you want to put and I will consider them.

The Solicitor General: I propose first to call Mr. Miller who gave the certificate of the proper equipment of the vessel on 22nd December, 1914.

THOMAS MILLER, SWORN.

Examined by the SOLICITOR-GENERAL.

1. Are you a Board of Trade Engineer and Ship Surveyor of Liverpool?—Yes.

2. Did you survey the steamship "Falaba" for the renewal of her passenger certificate in December last?—Yes, Sir.

3. Was the steamship "Falaba" a passenger vessel?—Yes, Sir.

4. Are you familiar with the regulations of the Board of Trade with regard to steamships that seek certificates for the right to carry passengers?—I am.

5. The Solicitor General: I believe I forgot to tell your Lordship the port of destination of this vessel. She was bound for Sierra Leone. (To the Witness.) Have you a copy before you of the Rules made by the Board of Trade?—Yes.

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THOMAS MILLER.

[Continued.]

6. Now will you turn to page 5. Does page 5 show the Rules laid down for steamships certified to carry passengers within the home trade limit, or between the British Islands and the Continent of Europe?—Yes.

7. Is there any difference between those Rules and the Rules for a passenger vessel between a port here and Africa?—Yes.

8. What are they?—The Rules for a passenger steamer sailing between this country and the Coast of Africa are given on page 4, Class 1, Foreign Voyage.

9. Is it Rule A, on page 4?—Yes.

10. I think that cannot be right?—It begins at the top of the page, Class 1.

11. Is that the rule which would cover this vessel?—Yes.

12. "A ship of this class shall carry lifeboats in such number and of such aggregate capacity as shall be sufficient to accommodate the total number of persons which is carried, or which the ship is certified to carry, whichever number is the greater. Provided that if the aggregate capacity of the lifeboats carried by a ship of this class exceeds the capacity required by General Rule 2, the Board of Trade may allow one or more life rafts." Turning to the end, do you find the number of boats and the number of sets of davits which are to be carried—page 119?—Yes.

13. Do you know the length of this vessel?—380.5 feet.

14. Then it would come between the 370 and 390 limit?—Yes.

15. And therefore ought to have a minimum number of sets of davits of 10 and a minimum number of open boats, Class 1 of 7, with a minimum aggregate cubic capacity of lifeboats in feet 10,650—is that right?—In this case the number of boats was governed by the number of persons on board and not by this Rule—Appendix 1.

16. Tell me what did govern it?—Rule B, page 4, paragraph 2:—"A ship of this class shall, subject to the provisions of General Rule 20 (1), be provided, in accordance with its length, with the number of sets of davits specified in Column A of the Table in Appendix A. Provided that no ship shall be required to have a number of sets of davits greater than the number of boats required to accommodate the total number of persons which is carried, or which the ship is certified to carry, whichever number is the greater, and provided further that the Board of Trade may, where it appears to them necessary, having regard to the height at which the boats are carried above the centre of the load-line disc, and to the other circumstances of the case, require a ship of this class to carry in lieu of, or in addition to, davits, some other approved form of launching appliances, or such arrangements for launching boats as may be, in their opinion, effective." Is that the rule?—That is the rule.

17. Did you examine this vessel for the purpose of seeing if she complied with those regulations?—Yes.

18. Did you give a certificate on the 22nd December, 1914, certifying that she did so comply?—Yes. Of course the certificate was issued from the Marine Department of the Board of Trade. The day previous to that I issued a declaration to the Marine Department.

19. You issued a declaration upon which the certificate was granted?—Yes.

20. Have you the certificate before you?—Yes.

21. I want to take you through this document. Was it prepared in accordance with your declaration?—Yes.

22. Are the statements contained in this document true and accurate according to the inspection which you made in December, 1914?—I will compare it. Yes, quite correct.

23. It was certified the port of register was Liverpool, the official number 124,900, and gross tonnage 4,806?—Yes.

24. The number of passengers for which the certificate was given was 118 first class, 72 second class, and a crew of 92, making a total of 282 people?—Yes.

25. Does it certify there were seven boats capable of accommodating 282 people, 12 lifebuoys, and 301 life jackets?—Yes.

26. Were those all there when you inspected the vessel?—Yes.

27. Did you examine the boats?—Yes, I examined the boats on the 21st December.

28. Were the boats swung out and lowered into the water at the time of your examination?—Yes.

29. What was the condition of the launching appliances?—In good condition.

30. How did they work?—They worked very satisfactorily.

31. What was the character of the construction of the boats—how were they built—I do not mean the technical details; I mean were they well built?—They were well built and in excellent condition.

32. When they were in the water were they quite water-tight?—Yes, absolutely tight.

33. Were all the lifeboats properly kept in accordance with the life-saving appliances rules?—Yes.

34. Speaking generally, as the result of your survey, what do you say as to the efficiency of the life-saving appliances for the purpose of saving the lives of a crew and passengers numbering 242 in case of emergency?—Quite capable and sufficient.

35. Are you familiar with the way in which Messrs. Elder, Dempster & Co. keep their vessels?—Yes.

36. And you can answer questions upon that if desired?—Yes.

37. Does your certificate show that there was a gig in excess of these seven boats?—No.

38. Did you know it was there?—Yes, it was there on my survey, but on account of it not complying with the regulations as a Class 1 boat, I could not include it in my declaration.

39. Was that gig outside the regulations or an added boat over and above the boats that the vessel was bound to carry?—Yes.

40. Can you tell me what the positions of these boats were in relation to their number on the vessel?—Yes, at the time of my survey the six midship boats were placed exactly as they are on that plan.

41. 1, 3 and 5 on the starboard side, and 2, 4 and 6 on the port side?—Yes. No. 7 was on the starboard side, No. 8, a boat of Class 1, was on the port side.

42. Taking those seven boats which you certified, what were their several capacities?—No. 1 boat could accommodate 49 persons; No. 2 boat could accommodate 50; No. 3 boat could accommodate 49; No. 4 could accommodate 49; No. 5 could accommodate 29; No. 6 could accommodate 28; and No. 8 (although it was the seventh boat it was No. 8) could accommodate 28.

43. You might tell me about the position of these boats in relation to the decks of the vessel. How many decks did the vessel have?—Counting them all there were five, including the boat deck.

44. Was the boat deck the one at the top—the highest of all?—Yes.

45. Is that where these boats Nos. 1, 2, 3, 4, 5 and 6 were?—Yes.

46. Was the deck below that—the saloon deck?—Yes.

47. Tell me about the placing of boats Nos. 7 and 8, where were they placed?—They were placed on a boat deck, one deck above the main upper deck of the vessel.

48. But below the boat deck on which the other boats were placed?—Yes, one deck below the line of the midship boats.

Examined by MR. CUTTER.

49. When you surveyed these boats did they go down into the water?—I have already given evidence to the effect that the boats were lowered into the water.

50. And there were plugs in every boat?—Yes.

(The Witness withdrew.)

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WALTER CAMPBELL BAXTER.

[Continued.]

WALTER CAMPBELL BAXTER, SWORN.

Examined by MR. BRANSON.

51. Were you Chief Officer of the "Falaba" at the time of her loss?—Yes.

52. I think you hold a Master's Certificate?—Yes.

53. Have you been in the Elder Line for the last ten years?—Yes.

54. I think you joined in 1905 as fourth officer, and worked your way up?—Yes.

55. And you were made chief officer in one of the vessels of the line some time at the end of 1908?—Yes.

56. How many officers had the "Falaba"?—Four.

57. And the captain—what is his name?—Captain Davies.

58. He was unfortunately lost?—Yes.

59. The "Falaba" was a vessel of 4,806 tons gross and 3,011 tons net?—Yes.

60. You left Liverpool at what time on the 27th March?—About 6 p.m.

61. At the time were you laden with general cargo?—Yes.

62. Was your vessel armed at all?—No.

63. Had she any means of offence or defence?—None whatever.

64. I think you were bound, the first port, to Sierra Leone, and to various West African ports?—Yes.

65. I think you had 147 passengers on board: 85 males and 7 females of the first class, and 55 males second class—is that right?—Yes.

66. We have the boats. We have been told by Mr. Miller the position on the poop of two boats. Was that position correct?—Yes.

67. Then we may take it that the lifeboat was on the starboard side, on the starboard quarter, and the gig?—The gig was on the port side.

68. Apart from numbers the gig was on the port side and the life surf boat was on the starboard side?—Yes.

69. Are those the right numbers on the plan?—Yes.

The Commissioner: Then I do not follow it.

70. *Mr. Branson:* I thought the witness was mixing up 7 and 8, but he says they are right; No. 7 is the gig, and No. 8 is the life-surfboat. (*To the witness.*) Is that right?—Yes, that is quite right.

71. You have been some time in this Line; have you any rule as to boat-drill?—We have done it once a week. I know there are instructions, but I have never seen them.

72. But there is a rule to have boat-drill every week?—Yes.

73. Had you any boat-drill on the "Falaba" before this accident?—No.

74. When, usually, do you have your boat drill after starting on a voyage?—The first Saturday or Sunday.

75. Have you any lists prepared?—There is a list from the office.

76. Of what?—Of all the crew in the ship.

77. But are there lists of officers who have to attend to certain boats?—There is every boat on the list, and they are posted all over the ship.

78. Were they posted on this occasion?—No, they were posted on the previous voyage.

79. The list for the voyage on which you were had not been prepared?—No.

The Commissioner: Had you the same crew?—No.

80. Then how would the men on board know which boat they had to go to?—I could not say how many new men were in the ship. I was not in the ship the previous voyage.

81. But how would the men on board when you started know what boat they would have to go to?—I could not say.

82. But could they know at all?—The lists were all there.

83. But the lists, I suppose, had the names of the men?—Yes.

84. And if the men had changed, I do not see how the men could know where they were to go?—No.

85. The crew was not the same on both voyages, was it?—No.

86. They were not the same men?—No.

87. Then if the men on board went to look at the list, and the list was the old list of the previous voyage, they

would not find out what boats they were to attend to?—No, but the large majority of them would.

88. *Mr. Branson:* On the old lists would there be the names of the men and their rank?—It has the printed rank.

89. The name, and "Chief Officer," and the next name and "Second Officer"?—Yes.

90. And they would be allocated to a boat?—Yes.

91. And those lists would remain up until new lists were prepared?—Yes.

92. *The Commissioner:* Who prepares the list?—The purser.

93. How soon after the ship put to sea does he prepare the list?—As soon as possible; generally the next day.

94. *Mr. Branson:* Coming to the day of the disaster, at 8 o'clock that morning did you go on duty?—Yes.

95. I think you were on for the 8 to 12 watch?—Yes.

96. Did you relieve the second officer?—Yes.

97. And the third officer, who was in your watch, also came on duty, relieving the fourth officer?—Yes.

98. About 10.30 that morning did the assistant purser come to you?—Yes.

99. What for?—He asked me if he could have one of the old boat station lists, and I told him where to find one.

100. Was that for the purpose of preparing the new list?—Yes.

101. At that time do you know what course you were steering?—Yes.

102. What was it?—S. 36 west, by compass.

103. Were you proceeding at full speed?—Yes.

104. What is your full speed?—Between 13 and 14 knots, I should think.

105. What were the conditions of weather?—Very moderate.

106. Was there any sea?—A little choppy, that is all.

107. Were you keeping a good look-out?—Yes.

108. About 11.40 did something happen; did you get a report?—Yes.

109. What was it?—A submarine two points abaft the starboard beam.

109A. Did you see it?—Yes, immediately after.

110. How far away was it?—About three miles.

111. At that time was the master in charge with you?—The master was just inside the chart room.

112. Did he take charge?—He came out immediately.

113. *The Commissioner:* Just describe to me what it was you saw three miles away?—Something just rising out of the water.

114. What was it?—It was like a conning tower.

115. What was the height of it?—It was very low in the water. I could not judge the height.

116. How many feet do you suppose?—It looked about four or five feet out of the water.

117. What was the diameter of the thing?—I really could not say.

118. And you saw it three miles away?—Yes.

119. *Mr. Branson:* Was anything done on your vessel when you saw it?—Yes, our course was immediately altered.

120. What for?—To make the submarine right astern.

121. Was anything done to your engines?—Yes, rung up to "full speed" again.

122. *The Commissioner:* What speed were you going at then?—We were going full speed—about 13½.

123. Then what did you do to the engines?—We rung up to full speed again, and I think the captain sent the third officer down. He left the bridge and I think he went down to see if they could get any more speed out of the ship.

124. *Mr. Branson:* Did you see the submarine with your eye, or with the aid of glasses?—With the aid of glasses.

125. Could you make out whether she was flying any flag?—She was flying a white ensign.

126. Could you make out, when you had the glasses, what white ensign it was—the British?—We could not see any black cross on it at all when we first sighted her.

127. After that were you sent by the master to the wireless operator's room?—Yes.

128. Where is that?—Right against No. 1 boat.

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WALTER CAMPBELL BAXTER.

[Continued.]

129. Did you give the operator a message?—Yes, I told him to signal all stations that there was a submarine following us flying a white ensign.

130. *The Commissioner*: What did the white ensign indicate to you?—An English flag.

131. Did you think it was an enemy flag?—No, I did not at the time. I thought it was an English flag, and the captain agreed with me, too.

132. Did you think an English submarine was following you?—Yes.

133. *Mr. Branson*: On leaving the wireless operator's room, did you get a telescope from a passenger?—Yes, one of the passengers was watching the submarine.

134. *The Commissioner*: Were you making away from the submarine?—Yes.

135. If you thought it was an English submarine, why?—The captain remarked that he did not care whether it was English or not; he was not going to trust it, because he could not make it out.

136. Then he doubted it?—Yes, he doubted it very much.

137. *Mr. Branson*: When you got the passenger's telescope, did you see the same flag?—No, I saw a flag with a very strong black cross in the corner—the German Ensign.

138. Did you go back to the bridge then and join the master?—Yes.

139. Did you continue to manoeuvre to keep her astern of you?—Yes.

140. And after a while did she give you a signal?—Yes.

141. What was the signal?—"Stop, and abandon ship"—A.B. I think it is.

142. *The Commissioner*: Was she overtaking you?—Yes, very fast.

143. *Mr. Branson*: Was it a flag signal?—Yes.

144. "Stop, and abandon ship"?—Yes.

145. Did you continue on?—Yes.

146. At this time had you in fact any boats swung out?—Yes.

147. Which boats were they?—Nos. 5 and 6.

148. Were the others swung out?—Nos. 1, 2, 3 and 4 and the gig were swung out before the pilot left the ship on the Saturday evening.

149. *The Commissioner*: Why were not Nos. 5 and 6 boats swung out?—I cannot say. I asked the master what boats he wanted out, and he told me to put the four lifeboats out and the gig.

150. Can you suggest any reason why they were not all out?—No, I cannot.

151. Is it the practice to have them all out?—It would not have made much difference, because it is very easy to put those boats out—there is no trouble about it.

152. *Mr. Branson*: Can you tell me whether they were put out before or after you got the signal "Stop, and abandon ship"?—I cannot say, because I was very busy.

153. *The Commissioner*: How long does it take to swing the boats out?—We could put the whole six out in less than ten minutes, taking one at a time.

154. *Mr. Branson*: When you got the order "Stop, and abandon ship," were any instructions given to the officers or crew or passengers?—Yes, I informed the chief steward, also the second steward, and one of the other stewards, to call all the passengers and put the lifebelts on and assemble on the boat deck.

155. Did you see them doing it?—No, I could not see from the top bridge.

156. Later, did you get another signal from the submarine?—Yes, but she was very close.

157. What was that signal?—"Stop, or I will fire into you."

158. At that time were you still going full speed?—Yes.

159. What time did you get that signal?—That would be about midday.

160. Then did you and the master have a conversation?—Yes.

161. *The Commissioner*: How many knots was the submarine making?—I should say 18 very easily.

162. *Mr. Branson*: What passed between you and the master when you got that signal?—The master asked my opinion about stopping, and I said that considering we had so many passengers aboard, and it was impossible to get away, it would be best to stop.

163. And did you stop the ship?—Yes.

164. Did you stop by reversing or simply by stopping the engines?—I do not know. When we stopped the ship the captain told me to take the starboard boats.

165. So you do not know?—No.

166. Which boat on the starboard side did you go to first?—No. 1.

167. When you got to it where was it?—It was swung out already.

168. Level with the boat deck?—Yes, level with the boat deck.

169. Who had charge of the falls of it?—It was some of the stewards, but I do not know who they were. I did not see any of the quartermasters at that boat.

170. When you got to it was there anybody in it?—No.

171. Did you fill it?—Yes.

172. With passengers?—Yes, and so many of the crew.

173. Then what did you do?—Lowered away, and when it got to the promenade deck several of the passengers jumped in from the promenade deck and the man let go the fall, and the other man let go the fall to try and save it, but it was impossible.

174. Did you see them jump in?—Yes.

175. What part did they jump in?—The forward part.

176. At that time were the men slacking away?—Yes.

177. And your view is that the extra force with the weight suddenly put upon the boat caused the men to let go?—Yes.

178. What was the result?—The boat and everybody went into the water, but they all had lifebelts on.

179. What was the next boat you went to?—No. 3. That boat was already full. I took some out because there were too many in to my idea, and also to leave room for those in the water, and I took one full myself.

180. How many did you leave in?—40 or 50.

181. Did you lower that safely into the water?—Yes.

182. Did that boat always remain afloat—was No. 3 always afloat?—No. 3 was all right.

183. What was the next boat you went to?—No. 5.

184. What was the position of No. 5 when you got to it?—On the boat deck.

185. Were there any passengers in it?—Yes, but not many.

186. Did you lower it?—I lowered it down to the promenade deck by the master's orders, and when I got it down to there he came to me and said there was a lady left. I looked at the boat and said there was no room and we sent her to the gig.

187. Was that the last lady in the ship?—Yes.

188. Was she taken to the gig?—Yes, I took her to the gig myself.

189. Then did you attend to the launching of the gig?—Yes, and filled the gig up with about eighteen and sent the fourth officer in charge of the gig and to pick up as many as possible out of the water.

190. Then No. 5 was lowered by you before going to the gig?—Yes.

191. Did you go back to No. 5?—No, I put No. 8 boat out then, and that filled very quickly. I asked how many of the crew were in and told them to come out and they did so, and just as I looked I saw the torpedo coming through the water.

192. In what position was the boat?—She was already full waiting to be lowered, and just as we started to lower it the torpedo hit us and down went the boat. It fell flat on the water but turned over.

193. Loaded with people?—Yes.

194. And it turned over?—It turned over as it hit the water.

195. Did you see the torpedo?—Yes, I saw it coming through the water.

196. At that time were there any people in the water?—Yes, there was a lot of people round there.

197. Of course you could see the track of the torpedo?—Yes, very plain.

198. And it hit you where?—Just at the after end of No. 1 boat.

199. Was it a very violent explosion?—Yes, very loud. The captain of the trawler that picked me up said he heard it 16 miles away.

200. Do you know what time the torpedo struck you?—Yes.

201. What time?—It would be 12.5 or 12.10 or 12.11.

202. When it struck your ship what happened to the "Falaba"?—She immediately took a big starboard list.

203. Then did she settle down?—Yes, she settled by the stern.

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WALTER CAMPBELL BAXTER.

[Continued.]

204. At the time she commenced to settle down you were still with the master I understand?—I never saw him after I left him with the lady.

205. Were there any other persons on the ship?—The only people on the ship were on the poop with me.

206. Were they passengers or crew?—Crew.

207. Did you give them some advice or instructions?—Yes, not to jump too quick and to throw everything over the side that was floatable.

208. And did they?—Yes.

209. And after a time did you say "jump" and did you all jump?—Yes.

210. I think you were the last to leave the ship?—I was at that end of the ship as far as I know.

211. Had you a life jacket on yourself?—No I had not. One of the soldiers in No. 8 boat threw me his belt, but there was no occasion for it as there was plenty. I had not time to think about it to get one myself; I had two in my room.

212. How did you remain afloat?—Swimming. I was picked up about two hours after.

213. Do you know what time you were picked up?—About two-and-a-half hours after.

214. Were you picked up by one of the trawlers?—No, I was picked up by No. 3 boat.

215. Were you taken to one of the trawlers?—Yes. There were three passengers and myself picked up by this boat.

216. Can you tell the Court how long it was from the time the "Falaba" was struck to the time she sank?—I should think about eight minutes.

217. *The Commissioner*: How long was it between your first sighting the submarine and the sinking of the "Falaba"?—We sighted the submarine at 11.40, and I left the ship at 15 minutes past 12.

218. A little more than half an hour?—Yes, it was about 12.4 or 12.5 when we stopped the ship.

219. *Mr. Branson*: And about 12.10 I understand the torpedo was fired?—Yes.

220. Did you see the submarine when you, with 8 or 10 others, were on the poop?—Yes, I remarked to them

221. Where was it?—Just aft the starboard quarter.

222. What part of her was exposed still—the conning tower only?—No, she seemed a little bit out of the water.

223. Did you see anybody on her?—Yes.

224. Was there anybody on the deck of her?—Twelve or fourteen came on deck when No. 1 boat went into the water; she was coming on top of the submarine, and the

submarine turned round and went on the starboard quarter.

225. Was anyone clinging to the boat?—Yes.

226. Was there any attempt to render assistance?—None whatever.

227. Did you notice the people on the submarine?—Yes.

228. What were they doing?—They all came up on deck.

229. *The Commissioner*: What attempt could be made?—They certainly could have picked some of them up.

230. How would they pick them up?—I cannot say. I expect they would have a collapsible boat

The Commissioner: I do not know what the submarines carry. Do you know, Mr. Solicitor?

The Solicitor-General: We have no information upon that.

The Commissioner: Do you know, Mr. Aspinall, what they carry?

Mr. Butler Aspinall: No, my Lord.

The Commissioner: It is no use saying no attempt was made unless you satisfy me that they could have made an attempt.

231. *Mr. Branson (to the Witness)*: Could you see any ropes or lifebuoys on her or anything of the kind?—No.

232. Nothing?—Only two guns.

The Solicitor-General: Of course it is known that submarines have saved people's lives at sea. Our own have done it again and again.

The Commissioner: Can you tell me how they do it?

The Solicitor-General: I suggest possibly your Lordship might get expert assistance on that point which I cannot give you.

233. *The Commissioner (to the Witness)*: What do you think they ought to have done?—I could not really say unless they had picked them up.

234. But picked them up, how—you cannot put your fingers into the water and pick up men?—No, but I understand they had a collapsible.

235. Who told you that?—I do not know, but I heard it a long time ago. I do not know whether they had or not.

236. *Mr. Branson*: No. 1 boat, as I understand, was bottom upwards?—Yes.

237. And you say that floated close by the submarine?—Yes.

238. And there were some people clinging to it?—Yes.

Examined by MR. BUTLER ASPINALL.

239. You attended to boats Nos. 1, 3, 5 and 8?—Yes, and 7.

240. With regard to No. 5 you told us you went away with a lady?—Yes.

241. And put her into the gig?—Yes.

242. When you left No. 5 boat, where was she?—Just by the promenade deck—lowered to the promenade deck.

243. Was she in charge of any sailors when you left her?—There were two sailors with that boat.

244. Did you give any orders to the men when you went away?—No; the captain was in charge. I left the captain there.

245. So that No. 5 when left by you was in charge of the captain and two sailors?—Yes, and there were some stewards there.

246. And you yourself saw nothing more of No. 5?—No.

The Commissioner: I should like you, Mr. Solicitor, if you would be good enough, to draw up a list of each one of these boats, and put opposite each number its history in connection with this disaster, so that we may be able to bear it all in mind.

The Solicitor-General: Certainly, my Lord. It is not easy to be quite definite about the port side of the vessel, because your Lordship I think will hear some rather divergent stories on that.

The Commissioner: We have heard nothing, practically, about the port side yet.

The Solicitor-General: No. I think there is no doubt that, roughly speaking, what I have said is quite accurate, that Nos. 1 and 2 were capsized in the course of being launched; that Nos. 3 and 4 went safely away; that Nos.

5 and 8 were upset when the torpedo struck the vessel, and that No. 6 went away safely. Three went away safely, two were capsized in the course of being launched, and two, according to the evidence, were capsized when the torpedo struck the vessel; they were in course of being launched.

The Commissioner: No. 1 does not seem to have been very well handled.

The Solicitor-General: Your Lordship heard what happened with regard to No. 1. The witness has told you how it occurred that they had the extra weight thrown on the boat.

The Commissioner: No; before the extra weight came, I understand the bow of the boat went down.

The Solicitor-General: No, my Lord, I do not understand that to have been so.

247. *The Commissioner (To the Witness)*: Tell me again what happened to No. 1 boat?—No. 1 boat was held from the boat deck, and while she was being lowered down several passengers jumped into the boat from the promenade deck, causing the man to let go the fall.

248. It was the weight of the passengers that caused the man to let go the fall?—Yes.

249. That was one end of the boat?—Yes, and the other end was immediately let go.

250. In order to straighten her?—Well, in order to try and straighten her up.

251. *The Solicitor-General*: Have you been served with a notice to attend here?—Yes.

252. Were there any distinguishing marks on this submarine, by which you could identify her?—No; I looked especially, and I could not see any.

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THOMAS HENRY SPRAY.

[Continued.]

Examined by MR. COTTER.

253. Is it not a fact that Elder, Dempster carry a mixed crew on their ships?—Yes.

254. Black and white?—Yes.

255. What were the proportions of the coloured men to the white men on the "Falaba"?—No comparison whatever.

256. What were the numbers—can you give any idea?—I could not say, but I should think there were about 18 black fellows.

257. Did the 18 black fellows ever take part, to your knowledge, in boat drill?—Yes, every boat drill.

258. How did they know their boats?—They know their boats because each man is told off for his own boat.

259. Each man is told off?—Yes.

260. Is it not a fact that the majority of these men cannot read or write?—No, but they know their names all the same.

261. Was there any boat drill before the "Falaba" left, to your knowledge?—No.

262. When you gave the order to go to the boats, did the black men go?—All the black men were down below, to my knowledge.

263. Did any of them come on deck?—Only two on the poop with me.

264. *The Commissioner*: Were any black men saved?—Yes.

235. How many?—I do not know how many.

266. *Mr. Cotter*: Can you tell us how many white sailors you had on board?—There were four quarter-masters, three A.B.'s, a boatswain, a carpenter, an ordinary seaman, and two deck boys.

267. That is 12 altogether?—Yes.

268. Do you think 12 white sailors sufficient to handle eight boats?—That is not for me to say.

269. So that the stewards would have to do the chief handling of the boats?—They always do; everyone takes their part in the boat.

270. There was no panic?—No, none whatever.

271. *Mr. Butler Aspinall*: Might I ask a question with regard to the stewards? Are the stewards on the Elder, Dempster Line capable and good men in a boat?—Yes.

272. Do they get a good deal of practice in a boat?—Yes, they do.

273. I do not know whether it is within your knowledge, but I believe you have been on cargo boats before belonging to the Elder Line?—Yes.

274. Is it a fact that a prize is given for the best and quickest managed boat,—getting her out and racing her to a spot and bringing her back?—Yes, every man gets 5s.

275. And do the stewards take part in that?—Yes.

Examined by MR. RONALD McDONALD.

276. Did the crew at the time of the disaster know their divisions?—No.

277. Were there any lists stuck up?—Yes, from the last voyage.

278. Were there many new hands on this voyage?—Yes.

279. Did you examine the boats?—Yes, on the Saturday morning.

280. In what condition were they?—In very good condition.

281. Was the lowering apparatus all right?—Yes.

(The Witness withdrew.)

THOMAS HENRY SPRAY, Sworn.

Examined by the SOLICITOR-GENERAL.

282. *The Solicitor-General*: My Lord, there were formal notices served on the three people I have mentioned, Messrs. Craig, Baxter and Thompson, and I had better put them formally in. (*To the Witness.*) Were you fourth officer on board the "Falaba" in March of this year?—Yes.

283. When she started from Liverpool on March 27th was that your second voyage in her?—Yes.

284. On the previous voyage when were the boat lists put up?—On the day after sailing.

285. Had those lists been altered when she started from Liverpool on the 27th of March?—The new lists were not posted. The old ones remained up.

286. Had you your station assigned to a boat?—Yes.

287. What was it?—No. 5.

288. *The Commissioner*: Would the names of the black men appear on these lists?—Yes.

289. Are they able to read?—The majority of them are.

290. Where do they learn to read?—I could not say. They have some form of education in West Africa.

291. *The Solicitor-General*: Did you have boat drill with black men on board on the previous voyage?—Yes.

292. Did you find any difficulty then in their understanding their stations?—None whatever.

293. No boat drill was held on this occasion as you had not been out at sea 24 hours?—No.

294. *The Commissioner*: Had you no boat drill in port before starting?—Not to my knowledge; there was not on this occasion.

295. Is it a common thing to have a boat drill before starting?—I cannot say. I have only made one previous voyage with the Company.

296. Have you made other voyages in other ships?—Yes.

297. Do you have a boat drill before you start?—No, not usually.

298. Never?—No, it is not usual.

The Solicitor-General: With the intention of avoiding asking this witness matters which were not challenged—

The Commissioner: I do not think you need trouble about matters that are not seriously attacked.

299. *The Solicitor-General*: That will shorten the inquiry, and I am obliged to your Lordship. (*To the Witness.*) Do you remember the submarine being sighted?—No.

300. You did not see it?—No, not when it was sighted.

301. When was the submarine first pointed out to you?—When I came on deck about five or ten minutes to twelve.

302. Was that when it was your duty to relieve the third officer on the bridge?—Yes, at 12 o'clock.

303. Who pointed the submarine out to you?—There were some passengers and some stewards just outside my room door—I cannot say; they were all looking at it.

304. How far was it away then?—About a mile and a quarter.

305. Did you then go up to the bridge?—Yes.

306. Who were there?—The captain and the chief, second and third officers.

307. Did you get instructions from the captain?—Yes.

308. What did he tell you to do?—I saw him standing at the top of the ladder on to the bridge deck, looking at the submarine, and he told me to go forward on to the bridge itself and keep a look-out ahead for anything coming down.

309. Shortly after that did you get further instructions?—Yes.

310. What were they?—He came along and told me to go down and tell the chief steward to get all his boys on deck, meaning of course the steward's staff, and any passengers who were down below.

311. How near was the submarine then?—Within hailing distance, about 100 yards ahead.

312. Did you hear the commander of the submarine hail the master?—Yes.

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WILLIAM GUY.

[Continued.]

313. Did you hear what he said?—No.

314. Did you hear what the Master said in reply?—Yes, he said alright, we are taking to the boats now.

315. Can you give a time when that statement was made?—It would be as near as I can say about two or three minutes to twelve, but I cannot be accurate.

316. Did you go and give the Chief Steward the order?—Yes.

317. Then did you go to the boat deck?—I went to my room then and got my big overcoat on preparatory to getting into one of the boats. Then I returned to the boat deck.

318. When you got back to the boat deck had the engines stopped?—Yes, and I was going to take charge of No. 5 boat when I was met by the chief officer with a lady. He instructed me to take her aft and get away in the gig.

319. Did you do that?—Yes.

320. How many were put into the gig with the lady?—I could not say how many actually were put in but I got away and two or three came down the falls. She had 20 in.

321. Who lowered the boat?—The chief officer on one fall and I think it was the purser's clerk on the other.

322. Was it lowered quite safely?—Yes.

323. And altogether you had about 20 people in it?—Yes.

324. *The Commissioner* : Which boat was this?—No. 7, the gig.324A. *The Solicitor-General* : Was that as many as she could take?—Yes, quite.

325. When the boat was safely launched did you then see the submarine?—Yes.

326. How far away was she then?—She had moved away some distance after she had fired the torpedo.

327. Did you see the torpedo fired?—No I heard the explosion, that was all.

328. And you then turned round and saw the "Falaba" go down?—Yes.

329. How long after the explosion did she sink?—About 10 or 15 minutes.

330. Did you see any marks by which you could identify the submarine?—No.

331. Did you see if she carried a gun?—Yes, one.

332. When you first saw her could you see what flag she was flying?—A German ensign.

333. Was that when you first saw her?—Yes.

334. Were you subsequently picked up by the "Eileen Emma" and transferred to H.M.S. "Liffey"?—Yes.

335. Was there any accident that overtook any of the passengers on board your boat?—No.

336. They were all right?—Yes.

337. They were all safe?—Yes.

338. You have told us there were 20 in all, and one was a lady?—Yes.

339. Were there more ladies than that one?—No; that was the only lady I had in the boat.

Examined by MR. COTTER.

340. When you were in the ship last voyage and you attended boat drill, how did you allocate your boat's crew?—I divided them into equal numbers and put them half on to each fall, and appointed one man to knock the chocks off and then swing the boat out according to instructions.

341. But when a boat is full of people how many men would you have on each fall?—Only one man would be necessary to swing a boat out.

342. Who were the men who were appointed to take charge of each fall. Had you men on that occasion for that job?—No, not particularly.

343. It is a very responsible position to lower a boat full of people and you want a man of experience to do it?—Yes, exactly. I had the boatswain in the boat, and had

I been in charge I should have put the boatswain in charge of one fall and an experienced man on the other.

344. You would want 16 men to do that for eight boats?—Yes, but there are the stewards and others experienced in boat drill.

345. So that you would have to rely on stewards to make up for the sailors. It is really a sailor's job is it not?—There are a good many stewards with as much experience in lowering a boat as a sailor.

346. But as an officer would you not rather put a sailor to handle a fall?—It depends.

347. Would you not sooner have a sailor there than anybody else. It is a sailor's job is it not?—If the sailor is more competent, yes.

Examined by MR. RONALD McDONALD.

348. Can you tell me the number of new hands there were on this ship?—I am sorry I cannot.

349. Can you tell me when the last boat drill took place?—We had it two or three times a week coming up the channel on the previous voyage. I cannot tell you the date.

350. Roughly?—About 3 days before coming into Liverpool.

351. At the time of the disaster did the crew know their positions or did there appear to be any confusion?—There did not appear to be any confusion.

352. Did they know their positions?—Yes.

Examined by MR. BUTLER ASPINALL.

353. What sort of davits was she fitted with?—Welin's patent.

354. Is that a very simple arrangement?—Quite simple.

Re-examined by the SOLICITOR-GENERAL.

355. I should like to know whether this operation of lowering the boat is one that entails considerable difficulty

to learn or is it easily learned?—It is quite simple with the Welin's davits.

(The Witness withdrew.)

WILLIAM GUY, Sworn.

Examined by MR. BRANSON.

356. Were you chief engineer on the "Falaba"?—Yes.

357. Do you hold a chief engineer's certificate?—Yes.

358. How long had you been her chief engineer?—Eight years.

359. On the previous voyage had you boat lists and stations?—Yes.

360. When are those lists posted?—The day after leaving Liverpool.

361. On the previous voyage what was your boat?—No. 6.

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WILLIAM GUY.

[Continued.]

362. When did you first know that there was a submarine in the neighbourhood?—The third officer came down below into the engine-room and told us.

363. Were you on watch then?—No, it was 12 o'clock I was in my room.

364. What did you do?—I went forward to get the men out and get as much speed out of the ship as possible.

365. Were you going full speed?—No.

366. Your engines were working at full speed?—No, they were not.

367. What were they working at?—From 12½ to 12¾.

368. The telegraph was at "Full Speed"?—Yes.

369. But by coaling up you hoped to get a little faster?—Yes.

370. Did you start doing that?—Yes.

371. Then what was the next thing that happened?—The next thing was they rung "Stop." That was the last ring we got on the telegraph.

372. Did you stop the engines?—We stopped the engines.

373. After that, did you get any order?—No.

374. Did you get any instructions shouted down the skylight?—Yes, by a steward coming along the alley way.

375. What was the hail?—"All hands to the boats."

376. On hearing that what did you do?—I ordered all the men out of the engine-room to go to their boats.

377. What did you personally do then?—I saw them all out of the engine-room.

378. And when you had seen them all out of the engine-room what did you do?—I took the lifebelt out of my own room and went on deck.

379. When you got on deck did you see the submarine?—Yes.

380. Where was it?—Nearly abeam, about 300 or 400 yards from the ship.

381. On which side?—On the port side.

382. What did you do then?—I went to get into a boat then.

383. Which boat?—No. 4.

384. Why did you not go to No. 6?—That boat was already lowered down into the water.

385. Did you see it in the water?—I did.

386. Did it get safely away?—I never saw it leave the ship.

386A. And you went to No. 4, you say?—Yes.

387. What was the position of No. 4 boat when you got to it?—Just level with the lower deck.

388. There is the boat deck and the saloon deck. Was it that deck?—No, the deck below that.

389. How many people were in that boat when you got to it?—I did not count, but I should say about 40.

390. What did you do?—As soon as we got into the water we pulled right away.

391. You got into the boat from the lower deck?—Yes.

392. And then when you got into the water you pulled away?—Yes.

393. You would be on the port side of the vessel?—Yes.

394. Did the submarine stay on that side?—No, she went to the other side, the starboard side.

395. *The Commissioner*: What was the object of the submarine going to the starboard side?—I do not know.

The Commissioner: How did that come about?

396. *Mr. Branson*: Do you know whether the ship kept her head when she stopped?—I cannot tell.

397. Did you see the submarine perform the evolution of going from one side to the other?—No I did not.

398. *The Commissioner*: When you first saw her she was on the port side?—Yes.

398A. Did you see her afterwards?—No. I never saw her again.

399. *Mr. Branson*: You assumed on missing her that she was on the other side?—Yes.

399A. Whilst you saw her, did you see whether she was flying any flag with any marks?—Yes, she was flying a two-flag signal.

400. Can you describe them?—No.

401. Did you see any men on her?—Yes.

402. *The Commissioner*: What does a two-flag signal mean?—I do not know what it meant.

403. *Mr. Branson*: Your Lordship remembers the last signal was "Stop or I fire." (*To the Witness*.) Can you give us any idea what colour they were?—No.

404. Or what shape?—I think they were a pennant shape.

405. And probably they were code signals?—Yes, they were code signals.

406. Did you hear the explosion?—No, I did not hear the explosion.

407. *The Commissioner*: Where were you?—I would be about 300 yards from the ship.

408. Do you mean to say the torpedo struck the ship after you had got away?—Yes.

409. *Mr. Branson*: You rowed away, you say?—Yes.

410. Were you in charge of that No. 4 boat?—No.

411. Who was in charge?—A passenger of the name of Captain Brown.

412. Master mariner?—A master mariner.

413. What was the next thing that happened after you got away from the ship?—The ship was torpedoed.

414. But how did you know that?—I saw the explosion but did not hear it.

415. Tell us what you saw?—I saw a column of smoke and water go up in the air.

416. At that time you were on the port side of this vessel?—No, we were on the starboard side by that time. We went down the port side and went round to the starboard side.

417. When the explosion happened were there any other boats near you or did you see any other boats?—No, there were no boats near.

418. Were there any boats round the ship or being lowered?—No.

419. *The Commissioner*: Then at the time the torpedo struck the "Falaba" you were on the starboard side?—Yes.

420. You had been on the port side?—Yes.

421. How had you got round?—We pulled round the stem of the ship.

422. Why was that done?—It was the easiest way to go. Either the tide or the current or the wind took us that way.

423. Then you got round to the side on which the "Falaba" was torpedoed?—Yes.

424. *Mr. Branson*: You have told us you saw nothing. You were in the boat. How were you picked up?—By the drifter.

425. Do you know her name?—The "Eileen Emma."

426. Was she the first to come up?—She was the first to come up.

427. *The Commissioner*: What had become of the submarine?—I never saw her again.

428. *Mr. Branson*: From the time you saw the smoke, until the time the "Falaba" heeled over and disappeared, how long elapsed?—The smoke of the submarine?

429. No. From the time you saw the smoke of the explosion?—Ten minutes.

Examined by MR. RONALD McDONALD.

430. Did the men go to their proper boats as far as you can tell?—As far as I can tell.

431. Did they know what to do?—They knew their stations—the men who were in the ship before.

432. Can you tell me why boats numbered 5 and 8

were not got out sooner than they were?—I cannot tell you, I was down below.

433. Can you tell me approximately the number of new hands on this voyage?—No I have no idea. I could tell you the engine-room staff.

Examined by MR. COTTER.

434. I take it you would have been in charge of No. 6 boat if you had been in your right station?—Yes.

435. But you say a passenger was in charge?—Yes.

436. Ought not you to have taken charge?—No, I am not a master mariner.

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JOHN ELLAMS.

[Continued.]

437. But would it not have been your duty as chief engineer to take charge of any boat you got into?—I do not know.

438. Will you agree to that?—Yes.

439. When you went on deck did you see any soldiers?—I did.

440. In khaki?—Yes.

441. Were they looking at the submarine?—Yes.

Re-examined by the SOLICITOR-GENERAL.

442. How many were there?—I have no idea.

443. Do you know who they were?—No, I do not.

444. You know nothing about them?—I know nothing about them.

The Commissioner: What were these people.

The Solicitor-General: He says they were some people in khaki.

445. *The Commissioner*: Was the "Falaba" taking on any troops?—There were a few troops as passengers.

446. I mean troops—soldiers?—No, they were passengers as far as I know.

447. Were they passengers in khaki?—Yes, going out to West Africa.

448. But people who go out to West Africa do not go out in khaki do they?—Soldiers going out to the coast always come on board in their uniforms.

The Solicitor-General: What I think the witness means, my Lord, is that there were a number of officials on the boat going to West Africa.

The Commissioner: What sort of officials—were they combatants?

The Solicitor-General: I will get details of that. There were no doubt a number of officials, and I think the witness means these officials dress themselves in khaki.

Mr. Cotter: I am instructed there were 10 officers and about 30 men on board.

(*The Witness withdrew.*)

Mr. McDonald: I have here, my Lord, a reproduction of a photograph which shows at least a couple of soldiers in khaki.

The Commissioner: I do not think it is of much importance. In fact, I do not think it is of any importance at present, but I did not know there were any military men on board.

Mr. McDonald: I have also a reproduction of a photograph of the submarine taken from the "Falaba" itself.

The Commissioner: Show it to the Solicitor-General.

Mr. McDonald: I believe it has already been shown him.

The Solicitor-General: No, I have not seen it.

The Commissioner: Is it a photograph from a paper?

Mr. McDonald: It is a reproduction of a photograph taken by my client of the submarine.

The Commissioner: Are you able to prove it?

Mr. McDonald: Of course, my client is in the Cameroons at the present moment.

The Commissioner: Then that means that you are not able to prove it.

Mr. McDonald: No.

The Commissioner: Then I think you had better leave it alone.

Mr. McDonald: If your Lordship pleases.

JOHN ELLAMS, Sworn.

Examined by the SOLICITOR-GENERAL.

449. Were you a steward on board the "Falaba"?—Yes.

450. When did you join the "Falaba"?—For this voyage at 7 o'clock on Saturday morning.

451. Had you ever been on her before?—Yes, about 18 months.

452. Eighteen months before that?—No.

453. You had been on her 18 months, and had made several voyages in her?—Yes.

454. Was it part of your duty to see that in each of the state rooms there was a lifebelt for each berth?—Yes.

455. Did you do that on this occasion?—Yes.

456. Were they all there?—Yes.

457. What was your place in boat stations on this vessel?—Number 2 boat according to the previous voyage boat list.

458. How many passengers had you under your care?—23.

459. Can you tell me how many first-class passengers there were?—91 or 92.

460. *The Commissioner*: 91 first class passengers?—Yes.

The Commissioner: I thought there were 118.

The Solicitor-General: There were 85 men and 7 women first class passengers—that is 92.

The Commissioner: What does the 118 mean.

461. *The Solicitor-General*: That is the number she was certified for my Lord. She was certified to take 118 first class passengers and 72 second class. (To the witness). Do you remember the submarine coming after the vessel on the day after you left Liverpool?—Yes.

462. When did you first hear of it?—At a quarter to 12 I think.

463. Did the chief steward give you directions as to what you were to do?—Not to me personally, but he gave word to the stewards who were in the corridor at the time.

464. Then did the chief steward hand on directions to you?—Yes.

465. What did he tell you to do?—He told us all to get our coats and hats on and to get to our boat stations.

466. What did you do?—I went and put my hat and coat on.

467. Then what did you do?—Came along the corridor and found the passengers coming out with life-belts on.

468. Then what did you do?—I asked the stewardess was Miss Winchester out of her room and she said "No, she was lying down." I said "You had better get her out, we have only ten minutes to leave the ship." She went to her room and got her out.

469. Did you hear any orders given to man the boats?—Yes.

470. You saw the passengers coming out?—Yes.

471. Had they got lifebelts on?—Yes.

472. All of them?—Yes, all of them I saw.

473. Was their any panic?—No, not that I saw.

474. When you got your cap and coat on did you go to your boat number 2 on the port side?—Yes.

475. Did you see the boat break away from the davits and the passengers and crew thrown into the water?—Yes.

476. Could you tell how it happened?—Yes.

477. You could?—Yes.

478. How did it happen?—One man let the fall run through his fingers.

479. Could you see what made him let the fall slip through his fingers?—No, because the Captain was giving me instructions at the other fall. The man with the fall at the after end of number 2 boat let it go, and that end of the boat fell straight down. The Captain then told me to let the other end go gently.

480. *The Commissioner*: How did he come to let it go?—I cannot tell.

481. Do you know who the man was?—Yes.

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JOSHUA THOMAS.

[Continued.]

482. Is he alive?—No.

483. *The Solicitor-General*: Did you throw things over into the water?—Yes.

484. Such as empty beer cases and things of that kind?—Yes, there were four or five people picked off those

cases, and I daresay they can tell you more about how it went down than I can.

485. Did you get away in the gig?—Yes.

486. Were you picked up by the "Eileen Emma"?—Yes.

Examined by MR. BATESON.

487. This No. 2 boat go away all right, did it not?—No.

488. What happened to it?—It split.

489. But it got into the water all right, did it not?—No, it broke away from the forward end.

490. *The Commissioner*: How many people were there in it when the man let go of the rope?—I could not say.

491. But whoever was in it fell into the water?—Most of them, yes.

Examined by MR. COTTER.

492. What was the rank of the man who let go of the fall—what was he, do you know?—Yes.

492A. What was he?—A butcher—the chief butcher.

493. He was on the other fall lowering the boat?—Yes.

494. Where is the "Glory hole" situated in the "Falaba"?—Right aft.

495. How many slept there?—I could not say. I had never slept there.

496. Have you no idea. How many stewards had you aboard?—I could not tell you that.

497. You cannot give us any idea?—Forty odd, I think.

498. And when the order was given I suppose there would be a lot of them in the "Glory hole"?—I could not say.

499. You do not know where they were?—No, I was in my room. I do not know where the other men were. Some of the men would be off watch.

500. How did you know your boat?—From the previous voyage boat list. I have been in that boat six or seven voyages.

501. Were you in her last voyage?—Yes.

502. When you got on deck, was there any panic?—No, they were singing.

503. *The Commissioner*: What were they singing?—"It's a long way to Tipperary."504. *Mr. Cotter*: You had no difficulty in getting the passengers on deck up the companion ways?—No, none whatever. By the photograph you can see some of the passengers sitting on the deck with lifebelts on.505. *Mr. Branson*: You were there, and from what you saw do you think the passengers were taking the matter seriously?—No, they were not taking it seriously.506. *Mr. McDonald*: Can you tell me how many new hands there were on this voyage?—I could not.

507. Approximately?—I might say 20 amongst the stewards.

508. But altogether—30 or 40?—No, there could not be 30 or 40. Do you mean amongst all the crew?

509. Yes?—I cannot say about the whole crew.

510. And amongst the stewards?—About 20 out of 40.

(The Witness withdrew.)

The Commissioner: When was the crew signed on, Mr. Aspinall?*Mr. Butler Aspinall*: The day before, my Lord.*The Commissioner*: Do they always come on board the day before.*Mr. Butler Aspinall*: No, some do not turn up at all.*The Commissioner*: Are there any means of knowing before the ship starts what the crew consists of—accurately.*Mr. Butler Aspinall*: No, my Lord, approximately one knows what it will consist of.*The Commissioner*: So that the accurate information for making up the lists cannot be obtained until the ship actually starts.*Mr. Butler Aspinall*: Until she has cleared the dock head it is quite impossible from a business point of view. I am told it is quite impossible to get the list ready until they have been at sea some hours.*Mr. Cotter*: The method adopted by the big Companies is to take a list on the day of sailing and they know exactly how the crew is. They have a boat drill before the ship goes out.*The Commissioner*: That may be, but you will have to give evidence about that if you wish.

JOSHUA THOMAS, SWORN.

Examined by MR. STEPHENS.

511. Were you on board the "Falaba" as carpenter?—I was.

512. Had you been on board her before?—Yes, I was on her two trips, but not the two previous trips to the last one.

513. After you left Liverpool were any lifeboats swung out?—Yes.

514. How many?—I could not tell you exactly how many, but I know there were a certain number of boats swung out and I went round them all.

515. Did you get into them?—Yes.

516. Did you examine them?—I did.

517. What was their condition?—The condition was first-class. The boats were all right.

518. Did you look to see if the plugs were in them?—Yes; some of the plugs were out and I put in all that were out.

519. Did they fit?—They fitted splendidly.

520. Did you hear there was a submarine about on Sunday?—I was down below in my room having a read and I heard the seven bells go which means 20 past 11. I thought of getting on deck, but I remained down a little longer, and about a quarter of an hour

afterwards someone came and said "Submarine! all hands on deck." I went on deck and went to my boat station.

521. Which boat was that?—No. 1. The submarine was coming at full speed and I went forward to make another alarm in case any one was left behind, and I sung out again "All hands on deck. Submarine!" Then I went back to my post at No. 1 boat and stayed there all the time. When I first got on deck the submarine was, I should say, at about a line of 45 degrees to the centre boat.

522. Then you went to No. 1 boat?—Yes.

523. Who was at the falls?—I could not say who was lowering the falls, but I know the chief officer was there—that is all I can tell.

524. Can you tell us which fall the chief officer was attending to?—I could not tell you who was lowering the falls because I was in the boat.

525. Then you got into the boat?—I got into the boat?

526. Was she lowered?—She was lowered.

527. Did she get down safely?—No, she did not—well, she got down but she did not get down properly.

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JOSHUA THOMAS.

[Continued.]

528. How far did she get down safely?—Well, she made a jerk. She got down past the saloon deck and then made a jerk.

529. Then what happened?—Something took place at the forward falls, and because of that the boat went stern first, and that, I think, caused her to come adrift.

530. When did she get adrift?—After she got to the water.

531. But what caused her to come adrift?—I should think the strain she had by lowering because the two falls were not going down together. That is what I put it down to.

532. Then you got down to the water?—Yes.

533. What happened then?—We rowed away for a while, and the boat unfortunately began to open by degrees.

534. Did she sink?—No, she did not sink—not then.

535. What did she do?—She came adrift altogether at last.

536. And left you in the water?—And left us in the water.

537. Were you picked up by another boat?—Yes.

The Commissioner: When did these other boats come on the scene, and what were they—how many were there?—There was one quite close to us then.

539. I am talking about the trawlers, how many were there?—I only saw two trawlers.

540. Were there any drifters?—I could not tell exactly what they were.

541. Were there any other boats except the two trawlers?—No.

542. *Mr. Stechens*: Were you close by the submarine at any time?—Not quite close.

543. Was any attempt made by the submarine to save life?—None at all.

Examined by MR. BUTLER ASPINALL.

544. Did your boat as it went down fall on the water?—Yes, it fell on the water.

545. Had it a great number of people in it when it

fell?—She was not quite full, but I should say there would be 40 to 49 in her.

Examined by MR. COTTER.

546. Were you in charge of that boat?—No.

547. Were you in charge of any boat?—No.

548. Not as carpenter?—I am in charge, but I am not responsible.

549. What do you mean by that?—Well, I know my station.

550. If you had charge of the boat would it not be your duty to examine the boat to see if the plugs were correct?—Yes, I have already stated that.

551. And did you look to see if there was water and biscuits on board?—Yes.

552. The breaker was right?—Yes.

553. And the biscuits were there and the lamp?—Yes.

554. How do you account for the fall coming away?—I cannot tell you.

555. You were in the boat?—I was in the boat then.

556. And you cannot account for it?—I cannot account for it.

557. It was not any of the gear giving way or anything that broke?—I cannot tell you.

Examined by MR. RONALD McDONALD.

558. How many men were allotted to that boat?—She carried 50.

559. But how many of the hands were allotted to look after the boat?—I could not tell you that.

560. About—a dozen or 20 or what?—About 10, I should say.

561. How many of those men turned up at the boat at the time of the disaster—how many of the particular men who were on the list?—I know some of them came afterwards.

The Commissioner: That does not help me very much, you see. The men on the list were men on the old voyage, and they were not all on board, so you could not expect them to be there.

562. *Mr. McDonald*: Can you tell me roughly the total number of new hands on the ship?—No, I could not.

Mr. Butler Aspinall: If my friend wants that information I can give it him. There were 43 old hands I am told.

The Commissioner: And all the rest were new.

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: Then about one half were new and one half were old.

Mr. Butler Aspinall: Yes, roughly.

Mr. Branson: Those, my Lord, are all the members of the crew we have available. Might I say, with your Lordship's permission, I propose to call the marine superintendent and the registered owner before proceeding to call any passengers.

The Commissioner: Very well.

After an interval.

Mr. McDonald: Would your Lordship allow me to put two more questions to the chief engineer.

The Commissioner: I do not quite understand why you are appearing; do you know what it is you do want to do.

Mr. McDonald: I want to bring before the Court certain criticisms which my client instructing my solicitor desires to put.

The Commissioner: Who is your client?

Mr. McDonald: Lieutenant Lacon, my Lord.

The Commissioner: Was he on board?

Mr. McDonald: Yes, my Lord, and he is now out in the Cameroons on active service. He was on board this boat under order, my Lord, to proceed to the Cameroons.

The Commissioner: What is his position in the service?

Mr. McDonald: Lieutenant.

The Commissioner: In the Army?

Mr. McDonald: Yes, my Lord, in the Warwickshire Regiment.

The Commissioner: And is he taking part in these proceedings at the suggestion of his superior officer?

Mr. McDonald: No, my Lord.

The Commissioner: Then what is he doing it for? You see, if I had every individual passenger represented I should never get through this inquiry. I do not object to your asking a question now and then, but I cannot have this case multiplied by every passenger appearing and wanting to ask independent questions. What are the questions you want to ask now?

Mr. McDonald: I want to ask as to the state of the boilers at the time of the disaster, and as to whether they were not working only on one boiler, the ship having two boilers, and that, therefore, the steam was only half of what it ought to have been.

The Commissioner: Let me ask you with regard to this gentleman whom you say you represent, has he instructed his solicitors by word of mouth?

Mr. McDonald: By telephone, before he left for the purpose of proceeding to the Cameroons. He had to go by the next boat my Lord.

The Commissioner: Where did he telephone from?

Mr. McDonald: From South Kensington my Lord.

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CAPTAIN WILLIAM PETER THOMPSON.

[Continued.]

The Commissioner : It is a most extraordinary thing to me. How long was his telephone message?

Mr. McDonald : May I hand in the message, my Lord?

Mr. Taylor : My Lord, this is a client of mine who had been in the office on another business shortly before he sailed on this boat. After he was rescued from the boat he gave me instructions to telephone just before he was leaving for the Cameroons by the next boat sailing, and he asked me to attend this Inquiry and watch his interests.

The Commissioner : That seems right enough.

Mr. Taylor : And he tells me there were a number of things about that boat.

The Commissioner : Who told you?

Mr. Taylor : Lieutenant Lacon, my client.

The Commissioner : Did he tell you all this through the telephone?

Mr. Taylor : Certainly.

The Commissioner : How long was he talking through the telephone?

Mr. Taylor : I do not suppose above four or five minutes.

The Commissioner : Did he tell you something about the boilers?

Mr. Taylor : No.

The Commissioner : Then you have discovered about the boilers since?

Mr. Taylor : That has been communicated to me this morning by a relative of another officer who was on board at the time and was drowned.

The Commissioner : Do you think that is the way to present a case to the Court—something you have heard this morning from the relative of another officer? You must exercise your wise discretion and do not let us trouble about things that are of no consequence. There is a suggestion, Mr. Stephens, that this ship was only working one boiler. Have you heard anything about that?

Mr. Dan. Stephens : Not up to the present, my Lord, but I will ascertain.

The Commissioner : I see Mr. Vaux behind you. Have you heard anything about it, Mr. Vaux.

Mr. Vaux : No, my Lord, I have heard nothing at all about it.

Mr. Dan. Stephens : The engineer will be here tomorrow, I expect, my Lord; indeed, the engineer is here now, I understand; we will re-call him if your Lordship would like to see him.

The Commissioner : Whom are you going to call now?

Mr. Dan. Stephens : I was going to call the Marine Superintendent.

The Commissioner : Very well.

CAPTAIN WILLIAM PETER THOMPSON, SWORN.

Examined by MR. DANIEL STEPHENS.

562. Captain Thompson, I think you were a master mariner for some years?—Yes.

563. And have been marine superintendent to Messrs. Elder, Dempster and Company, Limited, for a number of years?—Yes.

564. For about how long?—17 years.

565. And Messrs. Elder, Dempster and Company, Limited, are the Managers of the Elder Line of Steamers?—Yes.

566. Now do you superintend the loading of vessels at Liverpool?—Yes.

567. And did you on this occasion superintend the loading of the "Falaba"?—I did.

568. And can you speak as to the condition of the "Falaba," her boats, &c. at the time she was in Liverpool, before her departure on this voyage?—Yes.

569. Have you been sitting in Court whilst you heard Thomas Wright give his evidence about the boats?—Yes.

570. And did he correctly describe the boats, or have you any alteration to make in what he said?—There is no alteration to make.

571. Then he did correctly describe them. Did you see the boats on this occasion, you personally?—Yes.

572. What do you say with regard to their condition?—Very good.

573. How many life-jackets had the ship on board?—She had one for each person, for every passenger and crew, and she had 10 extra, 50 in each box; there were two boxes on the boat deck, and they had 50 in each.

574. That makes over 300?—Yes, nearly 400.

575. And under the rules she ought to have had, having regard to her size, 12 lifebuoys?—Yes.

576. Had she 12 lifebuoys?—She had.

577. Now we know she was bound to the West Coast of Africa. What was her cargo?—General.

578. Had she anything other than comes under the denomination of general cargo, to your knowledge?—She had a few explosives.

579. Will you please tell the Court what explosives she had on board?—She had some ammunition for the Government.

580. Can you give the quantity?—Yes, about 13 tons.

581. Before I depart from the boats I think you have got a list of the dates of their building?—Yes.

582. And you can answer any question that may be asked in respect of them?—Quite so.

583. Now, we have been told that she was fitted with Welin Patent Davits?—That is so.

584. Was there a Welin Patent Davit for each boat?—Yes, for each boat.

585. Will you describe to the Court what there is peculiar about the Welin Patent which makes it so simple?—I have brought a model into Court with me, if the Court wishes to see it, of Welin's Patent Davit. It

is the most simple method that I know of for boat lowering and boat lifting.

The Commissioner : I do not want to see it.

586. *Mr. Dan. Stephens* : Then there is just one other question I want to ask you. I think on the 6th January you, I suppose on behalf of your Directors, wrote a letter which was sent to the masters of all your steamers?—Yes.

587. That letter reads as follows:—"Dear Sir, My attention has been drawn by our Directors, that boat drill is not practised as often as it should be. You will please have it *once a week*, and swing the boats out, also put the boats in the water either at Forcados or Calabar. Please cause this to be entered in the ship's log book in red ink, when carried out."

The Commissioner : What is the date of that letter.

588. *Mr. Dan. Stephens* : January 6th, my Lord, 1911. (To the Witness.) And then in that was there enclosed a circular letter?—Yes.

589. Do you produce it?—Yes.

The Commissioner : What is the circular letter.

Mr. Dan. Stephens : Shall I read it?

The Commissioner : Just tell me the effect of it.

Mr. Dan. Stephens : My Lord, I have only just had it handed to me.

The Commissioner : And you do not know whether it is material or not.

Mr. Dan. Stephens : Yes, on the matter of boat drill, my Lord.

The Commissioner : How do you know.

Mr. Dan. Stephens : Because I see "boat drill" at the top.

The Commissioner : Is that the only reason.

Mr. Dan. Stephens : Yes, that is the only reason I have at present, but there is no harm in looking, is there?

The Commissioner : It seems to me a little late to look.

590. *Mr. Dan. Stephens* : I apologise; I was late, I am sorry to say, in coming. "Dear Sir. In order to improve the present standard of boat drill on board the steamers, particularly with respect to 'rowing,' the chairman and directors of the company, with the object of encouraging the men, and as an incentive to them to take a greater interest in this drill, have decided to grant a prize for competition between the sailors and firemen and stewards; the conditions simply are as follows:—'To the crew of ship's boat that is swung out, lowered, manned, rowed round a mark (which shall be situated at a reasonable distance from the ship) and back to the vessel in the quickest time, the sum of 5s. per man will be paid.' We feel sure that this competition, which you will carry out once on every voyage, will result in the men becoming better adapted to the management of the boats, and therefore able to more effectively deal with an emergency. Please see that

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MR. JOHN CRAIG.

[Continued.]

the date, place, boat, and names of the winning crew are entered in your log-book, and also report to me direct by letter. Of course this drill is extra to the ordinary weekly drill which you will continue to carry out as usual. Yours faithfully (signed) W. P. Thompson, Marine Superintendent." (*To the Witness.*) Have you an opportunity of looking at your ship's log from time to time?—Yes.

591. Were the particulars of the last voyage entered in the log book?—Yes.

592. What about boat stations?—Well the last order I gave to the Captain of the "Falaba" was that he was to get his boats out. I got them floated just to hold together for the purpose of heaving on the handle as they go out and get his boat stations as soon as he possibly could put up after we left him in the river.

593. I think that you produce a list of the passengers and a list of the crew. Were there 92 first class passengers, 85 males and 7 females and 53 second class?—Yes.

594. I think of those passengers 144 were of British Nationality, 1 Danish, 1 Greek and 1 American?—I think that is correct.

Examined by MR. BUTLER ASPINALL.

603. The captain of this ship unfortunately was drowned?—Yes.

604. How long had he been in the service of your company?—I do not know the exact number of years, but just on 20 years as master.

605. And was he in your opinion a capable and efficient master?—Yes, he was.

606. I am afraid he was your brother-in-law?—He was.

607. As to the other officers, we have seen the first, what happened to the second?—The second was drowned.

608. He was one of the two officers I think we were told this morning by Baxter to look after the boats on the port side?—So I understand.

609. He was drowned, and we were told that the third officer was ordered to help him in looking after the boats?—I am so told by the chief officer.

610. Baxter told us so this morning?—Yes.

611. Do you know where the third officer is now?—Yes, he is coming home now.

612. Where is he?—We have sent for him. I cannot tell you exactly the spot where he is. He went out in one of our boats.

613. I think he started before the Inquiry was ordered?—Yes.

614. When do you expect him back?—I suppose in about a week.

615. So much for that matter. Now you have told us that it is your business before a ship sails from Liverpool to overhaul her boats and to see that they are in good order and condition?—Yes.

616. And that you did on this occasion?—Yes.

617. In addition to your doing that, is there a man of the name of Dunham?—Yes, he is one of the two men that I have who do nothing else.

618. In your employ?—Yes.

619. Is it their business when the ships are at Liverpool to see that these boats are in good order and condition?—Yes to see that everything is in perfect order—that is their duty; they have nothing else to do.

620. I believe Dunham is here is he not?—I have not seen him.

595. I have got your list here—90 British passengers were saved, 54 were lost, and 3 of the Danish and 3 of the American passengers were also lost?—Yes.

596. And 48 of the crew were saved, and 47 lost?—Yes.

597. Now as regards the officers and crew, we have not had any particulars yet. Have you got a list of the officers and crew?—Of the total number of the crew?

598. Yes. I have got the total number. What I want to know is how many of the officers and crew were in the vessel before she left Liverpool?—There were 43 old and 52 new.

599. How many officers were old and how many new?—One old and three new.

600. That is the list I think you supplied me with, the list of the passengers (*handing the same to the Witness*)?—Yes.

601. Do you issue to your masters a book of instructions?—Yes.

602. Is that the book (*handing the same*)?—Yes, that is the book.

The Commissioner: What is the date of this book?

Mr. Leick: 1892.

621. I am told he is. Now with regard to another matter, namely, boat drill. Before a ship leaves Liverpool is it practicable to have boat drill on a vessel of the class of the "Falaba" before she gets away?—Not unless we keep the ship back.

622. What do you mean by that?—I mean that she cannot sail at the time appointed.

623. Why?—The crew as a rule do not always join the ship.

624. Before the ship sails she is in dock I suppose at Liverpool?—Yes.

625. And when she is due say to sail on the 27th does she leave the dock on the morning of the 27th and go out into the river?—Yes.

626. Up to how late are the crew coming on board?—In the case of the "Falaba" four of them came on board with the passengers.

627. And is it your experience that they very often drop in very late?—Well, it is a great difficulty to get men just now during this wartime.

628. Now I want you to tell me with regard to the plugs in the boats—how many plugs ought to be fitted to the boats?—There are two in each, and those plugs are joined together by a chain of about 8 or 9 inches, and in the centre that chain is secured to the keelson of the boat, so they cannot get away, they are secured by a staple or hook.

629. And whilst the boat is in the davits and before she is put into the water are the plugs kept in the plug holes or kept out?—Out.

630. They are solid, I suppose?—I keep them out because the rain or heavy water might get in and that might be dangerous to the boats.

631. And then the boat frees itself when the water gets in?—Yes.

632. And are they ready and available when a boat is launched, and put into the water to be at once slipped into their holds?—They are just alongside the holds.

633. And did you see two in each boat before she sailed on this occasion?—Yes, we always put plugs in every one of the boats.

(The Witness withdrew.)

MR. JOHN CRAIG, SWORN.

Examined by MR. BRANSON.

634. Are you the Liverpool Managing Director of Messrs. Elder, Dempster and Company, Limited?—Yes.

635. Are you the registered managing owner of the steamship "Falaba"?—Yes.

636. Will you look at those—is that the register of the ship and the Articles of the ship's crew (*handing the same to the Witness*)?—This is a copy, Sir, of the ship's register.

637. Is it a certified copy—I can see a seal on it?—Yes, it is the certified copy, and this is a copy of the crew list.

638. Is it certified by the Registrar-General?—There is a certificate on the face of it.

639. *Mr. Branson*: Then I put those in, my Lord (*handing in the same*). (*To the Witness.*) Now you have heard Mr. Thompson's evidence about the circular to the crew and to the master about boat drill, and practising the crew in the boat lowering and so on?—Yes.

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Mr. J. C. WATT.

[Continued.]

640. Were those circulars issued by the authority of your Board or by your authority as the managing director?—The marine superintendent has a general authority to issue instructions regarding the navigation

and the equipment of the ship and everything pertaining to the sailing of the ship.

641. Have you any personal knowledge with regard to the condition of the boats?—None, sir.

Mr. Butler Aspinall : No questions.

(The Witness withdrew.)

Mr. J. C. WATT, Sworn.

Examined by Mr. DAN. STEPHENS.

642. Were you a passenger on board the "Falaba" on the occasion of this voyage?—Yes.

643. What are you?—Assistant transport officer on the Gold Coast.

644. Do you remember when it was that you first saw the submarine?—I should say at about a quarter to 12.

645. Were you told about it, or were you about deck and saw it?—I was in the smoking-room at the time and saw it through the window.

646. And did you come out or did you remain there?—Not at first; I came out afterwards.

647. When you saw it did you see anything distinctive about it—anything that struck you?—No, I cannot say I did. It was the first submarine I had ever seen.

648. But had it a flag or anything of that kind?—I did not see it then; I saw that later.

649. Just tell us what you saw?—I saw her coming up and the sun flashing on her.

650. *The Commissioner* : On what?—On the submarine.

651. On the boat itself, or upon the conning-tower, or what?—On the boat.

652. *Mr. Dan. Stephens* : Do you mean that its body was above the water or flush with the water?—Yes.

653. How far was it when you saw the sun flashing in that way on it, do you think?—A few miles.

654. Then did you hear any signal or see any signal made, or hear any orders given?—No.

655. We have been told that the submarine came to you?—Yes.

656. Did you hear any orders given about the boats?—No.

657. Were you given any orders?—No.

658. Did you know that you had to leave the ship?—No, I left because I saw the people leaving.

659. Where did you go to for the purpose of leaving?—I went downstairs into my cabin first, and I came up from there.

660. Did you go to get a lifebelt or something?—Yes, and also to get some clothes on and shoes and so on, and I came up from there, from deck to deck, till I got to the boat deck and I saw two boats lowered away, and one turned length downwards in the water before it struck the water, and the other one seemed to smash to pieces in the water.

661. Would you mind telling me, if you can, where these boats were. First of all, do you know the terms port and starboard?—Yes, but not very clearly.

662. Left and right perhaps is better. Now where were these two boats; on the left-hand side of the ship looking towards her head or on the right-hand side?—On the right-hand side so far as my memory serves me.

663. And where as regards the bow or the stern of the ship?—Straight ahead on the right-hand side.

664. In what position were the boats? We have been told that there were four boats on the right-hand side?—Yes, I was entirely on the main portion of the deck there.

665. I was not asking you where you were. You have told the Court that you saw something happen to two boats?—Yes.

666. I want to know what two boats they were?—Judging from that plan I should say they were Nos. 2 and 6, but I could not swear to it.

667. That is on your left-hand side?—Yes, it would be No. 1 and No. 5, say, as far as I know.

668. Which was the one that you say dropped into the water and collapsed, or whatever your words were, No. 1 or No. 5?—If that plan represents the front of the boat it would be on the left-hand side that I saw the two boats collapse.

669. Then you mean by that that 2 and 6 were the two boats?—Yes, as far as I can say.

670. And what happened to No. 6—the forward one?—The boat was in the water and the sides appeared to fall out of her.

671. Did the boat fall into the water?—No, it was lowered into the water.

672. And what happened to No. 2?—It turned downwards on the way down to the water.

673. Which end went down?—That I could not say.

674. Now then, what did you do; did you go into any boat?—Yes, afterwards.

675. Which boat did you go into?—No. 4, I believe.

676. That would be between the two that you had seen?—Yes.

677. Was that lowered all right?—Yes.

678. Did that get away from the ship?—Yes.

679. Did you hear or see the torpedo fired at all?—Yes.

680. Then you had got round, had you, to the other side?—Yes, we were within sight of it.

681. Was the boat that you were in all right?—One of the plugs was missing.

682. That is the boat that you got into?—Yes.

683. How many of you were there in the boat that you got into?—I could not say—I should say about 30 or 40 people.

684. What happened where the plug was missing—did somebody put something into it?—Yes, there were all sorts of stop-gaps used, fingers and so on.

685. Was the hole big enough to put more than one finger into the plug?—I could not say.

686. *The Commissioner* : Did you put your finger in?—I believe I did; I am not very sure about it.

The Commissioner : You are proving the solicitor's opening, that there is a good deal of confusion about the thing.

Mr. Dan. Stephens : I am very sorry, my Lord. There is a very large number

The Commissioner : You need not trouble to prove that part of the opening, I think.

687. *Mr. Dan. Stephens* : If your Lordship pleases. (*To the Witness*.) Now, just tell me this; did you see the submarine at about the time, or after, the torpedo was fired?—Yes, I had a very careful look at her before I left the "Falaba."

688. Did you see anybody on her?—Yes.

689. Was she still with her body out of the water?—Yes.

690. What were they doing—did you notice them do anything unusual?—The crew of the submarine?

691. Yes.—Yes, they were stamping and laughing and so on.

692. You saw that, did you?—Oh, yes.

693. *The Commissioner* : About how many of them were there on the top of the submarine?—About four or five, my Lord.

694. *Mr. Dan. Stephens* : Is there anything else that you want to tell the Court?—No.

Mr. Butler Aspinall : I have no questions.

Examined by Mr. JOSEPH COTTER.

695. Did you see any members of the crew after you saw the submarine?—Personally, I do not think I saw any members of the crew until I was in the boat afterwards.

696. Not until you got into the boat?—No.

697. You never heard any of the members of the crew give an order?—No.

698. And you saw no member of the crew going along

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MR. HERMON HODGE.

[Continued.]

the deck with life jackets?—No, I was down below most of the time.

699. Down below where the rooms are?—I saw no members of the crew.

(The Witness withdrew.)

MR. HERMON HODGE, Sworn.

Examined by MR. BRANSON.

702. You were assistant district officer in the Nigerian Political Service?—I am.

703. And were you a passenger on board the "Falaba"?—I was.

704. And did you see the submarine?—Yes.

705. Could you tell us about what time it was?—By ship's time I think it was about a quarter to 12 when I saw it.

706. Were you given any orders as to getting into boats?—No.

707. You did get into a boat, did you not?—No, I had seen them before on previous voyages.

708. *The Commissioner*: What had you seen?—Well, boats and boat drill and the general condition of the boats.

709. What do you mean when you say that?—I would rather trust my own swimming than trust to a boat—I mean provided there was something to swim to.

710. Was there anything to swim to on this occasion except the submarine?—There was a trawler.

711. How far off was that?—When I first saw the submarine the trawler was following. I should think it was about—I should not like to say, I am not an expert—but I should think about three miles, perhaps, from the submarine.

712. *Mr. Branson*: Did you get a lifebelt?—Yes.

713. Did you see any of the boats launched?—Yes, I saw, I think, all except No. 7—generally I mean. I went from side to side and got a general impression of their being launched.

714. Did you see any of the boats fall in lowering?—The first thing I saw in the launching of the boats was—I think it must have been No. 2—it was either No. 2

700. You saw none at all?—No.

701. You did not see them assisting the passengers into the boats at all?—No.

or No. 4—from what I have heard it must have been No. 2, dive straight down into the sea from the boat deck; I think it was the boat deck; from the bearers somewhere—I do not know where it was.

715. Which deck were you on?—At that time I was on the promenade deck where all the deck chairs were—where we were all sitting on deck chairs.

716. Had all the boats been lowered when the torpedo was fired?—Yes, as far as I know except No. 8, and that was just being launched.

717. Then you remained on board, as I gather, until the ship sank?—Not till it sank; before it sank but after the torpedo was fired.

718. Then what did you do; did you jump into the sea?—I climbed down a rope; I think it must have been the falls of No. 6 boat or No. 4—I am not certain—I think it must have been No. 6—I mean after the boat had gone.

719. *The Commissioner*: After what boat had gone?—I climbed down one of the falls; I am not sure whether it was the falls that were hanging from No. 6 or No. 4, but I think it was No. 6—the forward fall.

720. *Mr. Branson*: Then did you swim to the trawler which you saw?—When I first went into the water I remember I called to a fellow passenger to throw me a rope, as I thought the ship looked rather comfortable, if I may say so. I mean it looked fairly stable when I was in the water, and I thought I would not start swimming until it was absolutely necessary.

721. And I think you were picked up by the trawler "Eileen Lanna"?—No, I was picked up by the boat of the trawler.

Mr. Butler Aspinall: I have no questions.

Examined by MR. COTTER.

722. Did you see any members of the crew giving lifebelts out?—No, I did not hear any order. I did not see any kind of an attempt at giving an order of any kind throughout. We were not even told that it was a German submarine. It was left entirely to the judgment of the passengers to judge for themselves.

723. Somebody must have told you that there was a submarine and a torpedo was coming on for you?—I heard somebody come into the saloon; it was Dr. Staples I think who said, "there is a submarine off there; would you care to come and look at it," to a friend of his, and this gentleman said, "Oh no, go on," or something of that sort, I was not quite sure whether he was leg-pulling or not. I did not take any notice until I went out and saw the submarine a considerable way away.

724. If anyone was shouting along the alleyways of the "Falaba" you would have heard them, would you not?—Yes.

725. You have heard the evidence that an order was sent down, "All hands to the boats"?—Yes, but I, candidly, did not hear any order of any sort.

726. It seemed to be everybody for themselves?—Yes, that was the impression it gave me—it was not a panic—what I call a negative panic; nobody seemed to sing out.

727. *The Commissioner*: What is a negative panic? I do not understand.—Well, I should call a positive panic where everybody was shouting orders.

728. I want to know what a negative panic is. I do not want you to tell what a positive panic is?—Well, there was no shouting. I will put it in that way.

729. But what is a negative panic? It is a new expression to me.—Well, it was a new situation rather, too, to me, but I should say that it was—

730. Never mind.—But I think you understand more or less what I mean.

Examined by MR. JOSEPH COTTER.

731. Did you go down to your state room at all for a lifebelt?—Yes, I went down into the state room.

732. Did you see anybody round any of the state rooms giving out lifebelts?—No I saw my stable companion in the state room and I said "I think it is time to put a lifebelt on."

733. Had you yours on?—Yes.

734. Had any of the other passengers lifebelts on?—Yes, at various times.

735. You could have got into a boat if you had wanted to get into a boat, could you not?—Well, I would very much rather not have done it.

736. I say you could have got into a boat if you had wanted to get into a boat, could you not?—There was a rush on to the boats, but somehow or other I could, I dare say, have got in, yes.

737. The passengers were taking it easy; they were not worrying much?—Some boats appeared to be rushed and in others I think, if one liked to take one's chance, one could have got into the other boats.

738. The majority of the passengers could have got into the boats you think?—Yes, I think so.

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Mr. HERMON HODGE.

[Continued.]

Examined by Mr. RONALD MACDONALD.

739. Can you tell me the speed of the "Falaba" at the time of the disaster and just prior to the disaster?—Well, of course I am not an expert, but she was going the

usual slow sort of pace of the average Elder Dempster boats.

740. *The Commissioner*: What is it?—I should think between 12 or 13 knots.

Re-examined by Mr. DAN. STEPHENS.

741. You heard no shouting, you say, from the submarine or from the ship?—No, there was an absolute absence of shouting of any kind.

742. Did you see these people that we have heard of on the top of the submarine—the Germans?—Yes, I saw them quite clearly enough.

743. What were they doing?—They appeared to be walking about and occupying themselves with various duties; I do not know quite what. I should think they were not more than 100 yards away. One could have shot at some of them quite easily. It was suggested by one of the passengers that we should—that we should go down and get our rifles; they were an absolutely easy target. I mean that was the range; I do not know quite how far away they were.

744. We have heard of them standing there and laughing or ridiculing the passengers?—The passengers who escaped in the first boat were in a position to see that, but not the people who were on the boat after it was torpedoed. We were not near enough to see their expressions.

745. Have you anything else which you wish to tell the Court?—Yes, I think I have. I should like to say that when I first saw the submarine—I do not say the look-out saw it first, but presumably he saw it before I did because I heard someone in the saloon say there was a submarine coming, but when I left the saloon myself to look I could see the submarine quite clearly. People were grouped. Standing on benches peering out and looking at the submarine coming; and I went back to the saloon. I saw Mr. Bathgate and I said we are in for it now, there is a submarine down on us, and then I heard somebody say it has got the British ensign flying. There were various conversations held about it, but during all these conversations there was no order saying "Stand by for the boats." It would not have been much good if there had been, because there were no boat stations, but as far as I know, we were never warned. Somebody may have been warned, but I certainly never heard any order or warning of any sort given throughout, and from the time I saw the submarine myself to the time we were torpedoed must have been, from my watch, 25 minutes, if not more.

746. *The Commissioner*: We have heard, you know, that the passengers were told to get on their lifebelts?—I have heard that said, but I never heard it; that is all. I quite admit that I may have been in the wrong part of the ship, but I was grouped with a great many other passengers, and from beginning to end I kept asking other people, and it was not till the captain himself told me what the order was, that I knew that we had been given five minutes to leave the ship. I had said to the captain are there any boats left and he answered no, and Mr. Bathgate, who was near me, asked if there were any chance or hope of getting away, and then he said "No, that is the Bristol Channel."

747. You seem to me to have some sort of grievance against the boat. I wish you would tell me what it is?—I nearly lost my life for one thing.

748. But that possibly was the fault of the submarine?—No, because I saved it.

749. Do you not think it was the fault of the submarine?—Of course, we all thought so.

750. What is your grievance against the "Falaba"?—I think, to boil it down, if at the moment the submarine had been sighted—to go previous to that or if there had been boat stations—at breakfast time I went to see in case of emergency where my boat was and I found the old passenger list up; I may also say that my brother who is in the navy came on board and saw me off, and he said the first thing you must do is just to find out where your boat is, and we went to the board and we saw the old boat station list up. That was one thing to start with.

751. That told you where your boat was?—Yes.

752. What more did you want to ascertain from it?—This was the old passenger list; it told me nothing.

753. But surely it told you where the boat was stationed; it told you the number of the boat?—I do not quite follow you.

754. You had a list up in your cabin, I understand?—No, on the notice board outside the saloon.

755. And there it told you the number of the boats?—Yes, I think it did—No 7.

756. Did you read it?—Yes, I did.

757. Do you remember reading it?—Oh, yes, distinctly.

758. I thought you hesitated about it?—Because my point is—I am not quite certain in my own mind whether I remember seeing those two boats and the actual numbers, but the boat list was up to which the passengers were allocated to go on the previous homeward voyage.

759. The passengers?—Yes.

760. What passengers were allocated to it?—All the passengers on the homeward voyage were told what boats they had to stand to in case of emergency.

761. There were on these lists not only the names of the men who had to attend to the boats, but the names of the passengers who had to go into them?—That is a point upon which I am not quite clear. Hitherto, in times of peace there has only been a boat station list put up, so far as I know, of the stewards and crew of the boats.

762. Now, have you ever seen a boat list with the names of the passengers who were to go to each boat?—Yes, on the "Falaba" on the homeward voyage.

763. By "homeward voyage" what do you mean?—The previous voyage coming into Liverpool; and I also understand—I am absolutely open to correction, but I understand that since the war, or at any rate for the last four or five voyages, both homeward and outward, a passenger boat station list has been put up. It certainly was on the "Falaba" on her homeward voyage.

The Commissioner: Can you tell me how that was, Mr. Aspinall?

Mr. Butler Aspinall: The gentleman is right, I think, in what he has told us with regard to that.

The Commissioner: Then the passengers were divided out amongst the boats.

Mr. Butler Aspinall: Yes.

The Commissioner (to the Witness): Now, what other grievance have you against the ship?—(No answer.)

764. Then I assume that you have no other, grievance?—As a matter of fact I have another grievance but I have forgotten it for the moment, but I think that is quite enough. My Lord, from information—I am not an expert, and nobody but an expert can say whether those boats were in good condition or not naturally, but I do submit that if those boats really had been seaworthy they could not have all fallen to pieces. One boat fell to pieces in the water; the gunwale floated off and gradually you saw the whole thing open out.

765. You have not told us that?—I was not asked to tell you.

766. But I asked you what other grievance you had against the ship and now it appears that one of the boats fell to pieces?—You will understand that when you are swimming for your life you get impressions.

767. Did you see one of the boats fall to pieces?—Yes, I did.

768. Which boat was it?—I cannot tell you which boat it was; it was on the port side.

769. Then it was No. 2?—I do not say it was one of the port boats, it was on the port side where I saw it going to pieces in the water. Whether it had drifted round from the other side or not I do not know, but I did see passengers sitting in this boat and gradually the gunwale float off.

770. What became of the passengers?—You gradually saw the water coming up like this (*describing*), and some of the passengers were drowned and some were saved.

771. This is quite new. I have not heard a word of this till now?—Well, I am on oath and that is what I saw.

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[Continued.]

772. I know you are, but you seem to take a long time to get hold of these very important incidents?—I was answering the questions.

773. I asked you what grievance you had against this ship and you did not say a word about one of the boats falling to pieces?—I am giving evidence without notes.

774. Is there anyone else so far as you know who saw this boat fall to pieces?—I know a gentleman who was in that boat.

775. Anyone who is here now I mean?—Yes.

776. What is his name?—I suppose there is no harm in saying; he will be called; his name is Mr. Bressey. I fancy he is to be called.

Mr. Dan Stephens: Yes.

The Commissioner: If you have got him, you had better call him, I should like to hear all about this business.

The Solicitor-General: I will call him next my Lord.

The Commissioner: Have you heard about it, Mr. Aspinall.

777. *Mr. Butler Aspinall*: No, my Lord. We have not had an opportunity of seeing these statements of Witnesses until this morning—I am not grumbling—some of them have been given, but I have not read the name of Bressey. Might I ask Mr. Hodge one question with regard to this boat that fell to bits. (*To the Witness.*) About this boat which fell to pieces, was that after the torpedo had been fired?—Oh, no; long before. It had been launched all right apparently. It is only a general impression, I assure you—I am only giving general impressions.

778. Do not think for one moment that I am making any suggestion, but were you in the water when you saw the boat fall to pieces?—No I was on the big ship.

779. Where were you standing?—I was standing forward on the saloon deck. I call it the promenade deck. I am not quite certain of the technical terms.

780. The top deck is the boat deck?—Yes.

781. And the deck underneath that is the promenade deck?—Yes.

782. And it was while you were on the promenade deck that you saw this trouble with the boat?—Yes.

783. Did the people remain in the boat or did they fall out of it?—Practically till the last moment, and then they all dispersed, I cannot say really what happened to the boat, but I saw them all in the water.

784. *The Solicitor-General*: I should like to know if you first saw this boat in the water full of passengers?—Yes.

(*The Witness withdrew.*)

800. *The Commissioner*: Was there not a Witness—I think it was the carpenter, who spoke about a boat having come to pieces.

785. And apparently floating quite rightly?—I would not like to say that.

786. I only said apparently?—Yes, apparently quite rightly.

787. And then according to your recollection it filled and the passengers dispersed for their own safety?—Yes, that is the impression I got.

788. And your impression was that the boat had been quite safely and effectively lowered but that the disaster had followed in consequence of its unseaworthiness. That was your view—is that right?—Yes, I think so.

789. I mean, if not what is your view?—My point is, that if the boat had stood the strain of launching sufficiently to be put away from the liner and to get as far as 30 or 40 yards when I saw it—if it could do that it must have been rather rotten timber or something of that sort—I am not an expert—to have caused it to float off.

790. Did it row away from the boat?—I really do not know; it got away.

791. It was 30 or 40 yards away?—Yes.

792. But this boat had been lowered I suppose; how many passengers were there in it?—The impression that I got was that there were very few people in it. I saw it when it was some way off because I remarked to somebody "My God that boat is breaking up" but I did not see what happened in between.

793. And you cannot tell us how many people were in it?—No, not absolutely. I mean it did not look like a crowd of people. There appeared to be a few.

794. What do you mean by a few—how many?—I should say about 12 to 16.

795. But it had gone down into the water without coming to pieces with 12 or 16 people in it?—Yes, presumably.

796. And then when the boat was floated in the water it broke to pieces?—Yes.

797. *The Solicitor-General*: That is your impression of it?—Yes, that is my impression.

798. That the boat was perfectly safely launched?—I do not say it was perfectly and safely launched, because I saw nothing of it. It may have been badly jammed against the side—it may have dropped in. All I can say is that it was right side up and passengers were in it, and it gave me rather a shock when I saw it suddenly going to pieces.

799. As far as you know it may have been damaged in launching?—Yes, I quite admit it may have been.

The Solicitor-General: He was not called while I was here this morning. He may have been called while I was away. I will enquire into it. We shall have the shorthand notes and we shall see.

MR. CYRIL EDWARD BRESSEY, Sworn.

Examined by MR. DAN. STEPHENS.

801. Is your name Cyril Edward Bressey?—Yes.

802. What are you?—I am a mechanical engineer in the West African Civil Service, now on sick leave.

803. And you were bound out to Nigeria, were you not?—Yes. May I make my statement in my own way? I think I should prefer it.

804. *The Commissioner*: I think we might as well let him. Give it us in your own way?—My first view of the submarine was that I was sitting with Captain Goulden, who was an old friend of mine, and I looked out of the smoke room window, and I saw about two miles away as far as I should estimate, a trawler or a drifter, and she had apparently one of these brown tan sails up and just in front of her I saw another something; I could hardly make out what it was, and I did not take any particular notice but I made a mental note of this thing there and in another minute or two I looked up again and saw this a little more clearly, and I said to Captain Goulden "There is a boat over there" so he glanced up and said "Oh yes, that is a trawler or something" and I said "Yes, but there is something in front of it," and he said "there is nothing there, old bird." He did not take it seriously. I said "It looks to me like a submarine." He said "Yes, good old submarine" and took no notice of it. I kept

watching this boat and saw it gradually coming nearer and presently within a minute or two I went out of the saloon door and I found outside that there was a little bunch of passengers there; I should think about 30 and they were all watching this boat, some with glasses and some without, and it was quite clear then that this boat was a submarine. She was fully emerged, that is her conning tower and her deck were about, perhaps, two feet, I should say, out of the water, and she was coming along there at a speed, I estimated, of about 18 or 20 knots and I watched her for some time there, and I noticed the way she came along. Then after an appreciable interval, after we had watched that boat coming along our course was suddenly altered. Then we got stern on to this boat. We were put on a course that put her directly astern and we carried on and just about at that time I heard a bell ring from the bridge to the engine room—the telegraph bell rings exactly as they make a twelve o'clock signal; that is, the handle had been evidently pulled right over from "full speed ahead" and back again to "full speed astern"—that is, the handle had been pulled right round the telegraph, just exactly in the same way as they usually make the twelve o'clock signal. This signal is the usual one that is made at twelve o'clock noon, and

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[Continued.]

we are quite accustomed to it on those boats. Then I still watched this boat coming along, and personally I had no doubt as to what she was. I guessed at once that she was an enemy submarine, and at the moment I certainly felt very blue. Then I waited until that boat was about, I should think, not much less than about 100 yards from us, and I thought—well, it is time to get a move. There were no orders given of any description that I heard the whole time. I had no directions given to me personally and I heard none of any sort. Then I went down to my cabin, and before I sailed I had one of these patent life-saving jackets given to me. This had been covered up as a cushion, made into a thing like a deck chair cushion, and this was in one of those Willesden green waterproof soiled linen bags, which was secured by a lock and padlock and a bar. First of all I had to find my keys, which were in a little despatch-box lying on the settee, and find the right key. Somewhere about that time—anyhow, during the early part of my visit to my saloon, I heard the engine-room bell go for “stop”: at least I assumed it was that, and certainly there was little less movement on the boat. Then I had to find the right key and undo this padlock and get out this cushion and rip it up—it had only been stitched at one end very lightly—I took off my overcoat which I had on and I put on this jacket which was a thick padded sort of thing and I put my overcoat over it.

805. Was that your swimming belt?—Yes, it was a life-saving jacket. I knew nothing about these things, or whether they were effective, but when I put this on my idea was that it was a very good preventive against chill and that sort of thing for boat crews. I must say the idea of being in the water never struck me at all. Then I thought as I was leaving the cabin I would make quite sure, and I reached down one of the life jackets up in the locker and put my overcoat on again over this. In my state room there were two passengers, myself and one other, Mr. Silkcock, and it was evident that he had not been down for his, because the other two ship's lifebelts were up there at the time. I slipped the loop of this thing over my head and I ran up on deck again tying it as I went. I looked out on the main deck and my mental impression—it was very quick, of course—was then that there was nothing going on there. There may have been people there or there may not, but I suppose I was really looking out for them lowering the boats, and I did not see anything of that sort so that it made no impression upon me. Then I followed the staircase at once and went up on the saloon or promenade deck, and my impression again was that there was nothing much going on. Anyhow, I went up again: I got up on to the boat deck and there I found that they were lowering the boats. There was no crowd, there were very, very few people about at all. I looked into two boats which were being lowered at the moment and they were well away.

806. With how many people in them?—They were full.

807. They would carry about 100 people?—I should have said about 40 to 50 people a piece.

808. How many people were there aboard the ship?—I cannot give any definite information about that.

The Commissioner: How many people were there on board the ship altogether.

Mr. Butler Aspinall: 242.

809. *The Commissioner:* Then nearly one half of the people were in those two boats?—Well, they may not have been all passengers.

810. I am not talking about all passengers. I am talking about the number of people on board the “Falaba”?—There were two boats being lowered then. I should have put them down as 100.

811. I am pointing out to you that the total number of people on board the “Falaba” was only about 260.

The Solicitor-General: 242, my Lord.

812. *The Commissioner:* So that you see very nearly half the people were in those two boats?—There were approximately 100 people in those two boats, 50 in each, speaking roughly.

813. I only point that out because you say when you looked at the boats there was scarcely anybody there, and it appears that there were nearly half the people on board of her?—No. I said when I got up on the deck I saw nobody about.

814. I understood it was then when you saw these boats with 100 people in them?—Yes, when I went up on the boat deck and saw these two boats.

815. With 100 people in them?—Yes.

816. And I understood you to say to me that when you got up on to the boat deck there appeared to be no people there?—Yes, there was no crowd: they were in the boats. There was no crowd on the deck at all. I could see no crowding round the boats or anything of that sort. Then I looked into another boat which was swung out level with the boat deck, that is the foremost deck of all, and just a little below, and as far as my mental impression went then, my impression was there were only about six or eight people in it. It was a big boat and I should have estimated she would have carried certainly 30 very comfortably, and I thought—well, this is all right, and I got into that boat. Just before that I noticed as far as I could judge that there were two men at one set of the falls and one man at another; there may have been four men altogether but not more.

817. Which falls are you speaking of?—The falls of the boat in which there were six or eight passengers. I had to make a little jump to get into this boat. It was swung out, and just a little below the level of the boat deck and my feet had hardly touched the bottom of that boat before she was let go like a stone; we absolutely dropped down sheer by the side of the boat. The after falls ran clear. I could hear them whizzing through the blocks. Then something went wrong with the forward falls, and for a moment we were at an angle something like that (*describing*). Then there was a crunch, something gave way. I imagined afterwards that it was a bolt that had gone wrong right in the bows of that boat. Anyhow, we dropped level into the water, and whether the afterfalls were unhooked or whether they had come adrift, I do not know, but we went astern at once and the send of the tide and the wind carried us astern of the “Falaba.”

818. Anyway, this boat got into the water all right?—Well, we were dropped into that boat at the rate of about 60 miles an hour.

819. Whatever the pace was I understand you got in all right?—Yes. We had hardly got under the stern of the “Falaba” when that boat filled. I felt the water up to my ankles.

820. Is this the boat the last witness was speaking about?—I could not say.

821. Were you not in Court when he gave his evidence?—Yes, but whether that was the particular boat or not I do not know.

822. What became of this boat?—I felt the water up to my ankles, and when it was up to my knees it was coming in at either the bottom or the sides very rapidly. Then within two or three minutes the water was up to my waist. The gunwale half of that boat—that is a big V-shape strip—floated gradually away, and three copper life-tanks came up in front of me, and floated away, and it was so close to me that I pushed it away. I remember they were copper, and then I thought it was time to get out of that boat because I could see she was going to sink—and in my judgment she was going to sink—so I got over the side of that boat: it was no distance to go because she was level then, full of water, and I got into the water, but the ultimate end of that boat I have no idea of. Then forward of me and under the stern of the “Falaba” I saw one other boat. She was high out of the water, apparently a lifeboat high out of the water, and saw one man in her, a man that I recognised because he had worked under me on the railway and I knew him very well. Anyhow, he was standing up in that boat. His name was Primrose and he was standing up in that boat, and he was the only man I could see, but I have a very distinct mental impression that there were other people in that boat and that they were busy. I must have seen a bit of their backs or something. I tried to get towards that boat but the tide and wind and everything was against me, and every now and again I would be caught by a wave and turned over on my back, and I thought it was no use trying to get to that boat, and then, after a considerable interval, I saw another boat coming along on a different course altogether, and I thought if I strike off with the tide a little bit in my favour there I may be picked up by that boat. Ultimately I was picked up by that boat.

823. One of the “Falaba's” boats?—Yes, I think that boat could be identified, but I am not quite sure who was there. The only thing I do remember is that there was a lady passenger in that boat who shouted to me when she saw me in the water and told me to hold on, and who did a great deal towards pulling me into that boat, and

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MR. CYRIL EDWARD BRESSEY.

[Continued.]

I spoke to her later about it. That boat was being steered as far as I am able to state, by a passenger. I was pulled into the stern sheets of that boat and fell right down on the gratings in the bottom of the boat with a bump. There was a very fair amount of water in the bottom of that boat, and I spoke to the passenger who was taking the helm and I said "Who are you?" He said "I am one of the passengers." I said "you seem to know your job all right," because he was a man who was evidently accustomed to surfboat work or boat work of some description, because he managed very well indeed in that boat. All this time this boat appeared to be making water, and in front of me was a seat; there were passengers sitting on it, and in front of that again there was a man down below who said something about she is making a lot of water here. I said, "Is it the plug holes; cannot you stop them up?" and he said "Yes, I can, but I have got nothing to put in," and I had a pair of gloves, and I remember feeling in my pocket and handing out my gloves and handkerchief which I passed him, and I believe he stuffed up the holes with them. Then eventually we were taken on to the "Eileen Lanner"; we were picked up by the drifter the "Eileen Lanner."

824. And that is the whole story?—Yes, but as an outcome of that there are five outstanding features in this business—

825. I do not want you to argue it. You have told us the story. If you have any more of the story to tell us, I will listen, but you must not argue it?—It is part of the

story. It is the whole story condensed into five small items.

826. Well, I do not object if no one else does. What are the five items?—The first thing is that there were no boat stations for the passengers—no list of boat stations and no passengers knew where they were to go to. Secondly, the submarine was apparently seen by a large number of passengers before any action was taken by the ship in altering the course to bring that boat directly astern. Thirdly, there were no instructions given to the passengers at the crisis, or to me anyhow. I say there were apparently no instructions given; in fact, I can say definitely that there were no instructions given me, as I heard none. Fourthly, the regulations also provide for a crew, as far as I remember, from the ship's boats station list—it is somewhere about ten, with a competent officer in charge of each boat. The boat that I was dropped into the water with apparently had no officer; I heard none, because I had no directions given me there. The boat which ultimately picked me up was being steered and commanded by passengers, so that if there was a ship's officer on board he was not in charge and he gave no directions; he gave no orders. And the Fifth is the apparently unsatisfactory condition of the boats.

The Commissioner : Do you want to ask him anything more?

The Solicitor-General : No, my Lord, not as far as I know.

Examined by MR. BATESON.

827. Can you identify the boat that you jumped into?—I do not think I can positively, because I believe when I went up on to the upper deck I think things were reversed to me—particularly as we do not go up on the upper boat deck under usual conditions, and we had only been on that boat less than 24 hours, and it is a very easy matter, if you go up a staircase facing aft, when you have been used to going up a staircase facing forward, you get your position reversed, and you call port starboard and starboard port.

828. Do you think it is possible that you were in No. 1 boat?—It is possible. Anyhow I can state that the submarine was on the opposite side. Two boats were being lowered on the side that the submarine was at the time. Then I walked across to the other side.

829. You think it is quite likely it was No. 1 boat that you jumped into?—That boat was lowered from the boat deck. I do not want there to be any mistake about that.

The Commissioner : That is what he said : You began by asking him whether he thought he might have been in

No. 1 and he said : Yes, and then you put it to him that he thinks he was in No. 1. He does not know which boat he was in.

Witness : I cannot give you a definite answer to that. I could not swear to it.

830. You have not even a mental impression as to which boat it was?—I have a mental impression, but since then my own mental impression was of a certain boat, but I do not think it was that one, because when I was in the water I know that my position was altered entirely, and what I thought was port, and what I should have been prepared to have sworn was port, was starboard really, because it was twisted round completely.

831. Taking the whole eight of them, which one would you have picked first of all, since you have had an opportunity of thinking it over?—I was not upon deck with a view of making mental notes as to where I was.

832. Then you have no idea?—No, I cannot state definitely.

Examined by MR. JOSEPH COTTER.

833. Did you see any stewards after you had seen the submarine?—I think I saw the smoke room steward.

834. Did you have a conversation with him?—No.

835. How many voyages have you made round the West Coast of Africa?—Four.

836. So you know those boats pretty well?—Yes.

837. And you get pretty familiar with the crew before you get home?—Yes, quite.

838. And in the case of an accident or an incident like this taking place you would ask some questions naturally?—You would know the boat and you know one boat is very much like another there and you soon get familiar with them.

839. And your contention is that you heard no orders given?—I heard no orders given by any one.

840. Did you see any one giving orders in the lifeboats?—No.

841. Did you see any of the crew attending to the boats when you got on deck?—There were either three or four men at the falls of that particular boat, but who they were I cannot swear to.

842. The particular boat you got into?—No.

843. You saw no members of the crew, you say?—No, not to speak to. I probably saw them but they made no mental impression upon me.

844. How long was it before the torpedo struck you?—Not long, but I can give no definite statement about it.

845. Approximately?—No, it would be too approximately to be of any use, and events happened so quickly there that one's idea of them goes all to pieces. The

submarine was manœuvring up and down and then I saw that she had her head directly pointing at us and at another time she was cruising up and down.

846. Was she on the port side or starboard side when you first saw her?—On the port side.

847. *The Commissioner* : When you first saw her?—No; when I first saw her she was on the starboard side two-and-a-half to three miles away.

848. You were asked when you first saw her where was she?—When I first saw her she was on the starboard quarter.

848A. *The Commissioner* : When you jumped into that boat?—Yes.

849. *Mr. Cotter* : Did you see the submarine after that boat was lowered?—Yes, but I could not swear which side she was on, because, as I drifted round in that boat, and when I was in the water, I think my knowledge of right and left was a little shaky.

850. Just try and think, if you can, which side it was when you got into the boat—can you think of that?—I believe it was the starboard side, but I am not at all sure because as I say, coming up a staircase in the opposite way to what you have been used to with a ship under way it is very easy to get misled.

851. Had the torpedo struck the ship when your boat was leaving?—No. The torpedo hit that boat either when I was in the water or possibly after I had been hauled into the other boat; I do not know when, but anyhow I remember hearing the explosion.

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MR. J. D. BATHGATE.

[Continued.]

852. How long after you had got into the water did the gunwale of the boat part?—Three or four minutes.

853. What part of the gunwale parted?—The top strip. There was something else fastened to it, because it liberated the air tanks. One of them came up just in

front of me here, broken away, and I pushed it out of my way.

854. How long would that be after you got into the water?—Three to four minutes after the boat got into water—certainly not more.

(The Witness withdrew.)

MR. J. D. BATHGATE, SWORN.

Examined by MR. DAN. STEPHENS.

855. Are you an executive engineer in the Public Works Department in Nigeria?—Yes.

856. And you were a passenger on the "Falaba" at the time of her loss?—Yes.

857. Now, when was it when you first saw the submarine?—I saw it when she was about half a mile behind us.

858. What called your attention to her?—I heard some people running about on the decks. I was in the music room at the time, and I heard some little excitement on the decks and I went out to look and one of the passengers pointed her out to me.

859. When you saw her was she showing any flag?—Yes, she had two or three flags flying then.

860. Could you distinguish them?—Not at that moment; I did afterwards.

861. When you did, what were they?—She had the German Ensign flying and a flag signal of three flags in addition.

862. Pennant ship flags?—One was a triangle shape and the others were square ones, I think. I know the middle one was a pointed one.

863. And where were you at the time?—Which time?

864. At the time you saw the flags and the submarine?—As soon as I saw the submarine I immediately went down to my cabin to get a lifebelt. When I came back our ship had stopped and the submarine was abreast of us on the port side—the port side of the "Falaba" about a hundred yards off.

865. Did you hear anybody shout out?—Yes, one of the crew of the submarine shouted out something in English about "five minutes."

866. You heard that?—Yes, I heard that. I think he had a megaphone.

867. What you thought he said was—five minutes?—Yes, I got that impression. I could not hear all he said.

868. But in consequence of something that he said did you do anything?—Well, I went to put my lifebelt on, and I found that two of the waist strings were cut off, so I had to take a second journey down to the cabin to get another one which I brought up, and then they were lowering the boats in the meanwhile. When I came back some of the boats were being lowered and some of them were down.

869. What boat did you go to?—I did not get into any boat.

870. Did you go to any boat to get into it?—I went to one on the port side, but when it came down I did not get into her because there was such a rush for the boats that there did not appear to be room for everybody.

871. Can you recollect which boat it was you went to?—I did not go on the boat deck; I was on the promenade deck and when it came abreast—it would be No. 4 on that diagram.

872. At that time, what about the other boats 2, 6 and 7 on that diagram?—I had seen one or two of them swamped before this. The first boat on the starboard side had gone down bow first.

873. That is No. 5?—Yes, it had hung in the davits, and the people in it were thrown into the water. That would be No. 5 on the diagram.

874. And what other boats had you seen swamped?—Another one on the starboard side, too. No. 1, I think it would be on the diagram, and I think, at least, I also saw one on the port side, but I cannot say which one it was. It was not No. 4.

875. But when you say swamped, do you mean that you saw them full of water?—They went down bow or stern first into the water and filled with water when there

was a little choppy sea, and the people were thrown into the sea. No. 5 I particularly saw because I was near that when they were lowering her.

876. Now where were you when the torpedo was fired?—I was on the starboard side near the funnel near the smoke room on the passenger deck, or the saloon deck as it is called, and there was only one boat then as far as I could see that was going down, at least being lowered at the stern.

877. Which boat was that?—That would still be on the starboard side, No. 8 it would be.

878. That was at the time the torpedo was fired?—Yes, I saw the torpedo leave the submarine and come through the water and strike the ship just where I had been standing, in fact we had to run away from where I was to get out of the way of the water. It struck immediately below us.

879. Had you any opportunity of seeing anything happen to No. 8?—No. 8 fell into the water.

880. What happened to you?—I stayed on the ship for about five minutes after she was struck and then I jumped overboard. All the boats had gone and there was nothing to take us off, nothing had stood by.

881. Where did you jump from?—I jumped from the forward deck near the forward mast on the starboard side, and I swam away from the ship.

882. Did you see the submarine before you jumped overboard?—I do not remember seeing her after she fired the torpedo because I was busy looking after myself. After she fired the torpedo I did not notice what she did.

883. And you did not notice anything at any time that was going on on the submarine?—No, not at that time. Anybody on the "Falaba" was too far away to see what was going on on the submarine at that time.

884. Have you anything further to say?—No, except that we saw five or six on her deck when she first came up and megaphoned to us—hailed us.

885. You were there on the main deck as you told us and you saw this torpedo fired. Can you tell us if it had any effect on any of the boats?—As far as I know there was only one boat then that was not in the water that had not been lowered. That was the one on the starboard side at the stern that was thrown into the water owing to the shock.

886. *The Commissioner*: Do you mean No. 8?—And at the same time there were a number of people struggling in the water on the starboard side from the other boats when the torpedo was fired; some of them, I think, were killed by the explosion.

887. *Mr. Dan. Stephens*: Now with regard to No. 5, can you say definitely whether it fell in before or at the time the torpedo struck the ship?—When the torpedo was fired there was only one boat as far as I could see, and that was No. 8. I can be definite about No. 5, because I knew some of the men in it—one man particularly.

888. How did you get saved?—I was swimming for about an hour in the water, and I was picked up in the same boat that saved the chief officer. I was picked up after he was.

889. He says it was No. 3?—It was a ship's boat. I do not know which boat it was. It was manned by the third engineer.

890. And you were put on board the trawler?—I was put on board the drifter, the "George Baker." That was the only ship's boat that came back to pick up anybody.

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CAPTAIN MATTHEW CHARLES COVERLEY HARRISON.

[Continued.]

Examined by MR. BUTLER ASPINALL.

891. When you left the ship were the Captain and the chief officer still there?—They had left.

892. How do you suggest they had left?—We had seen the captain in the water.

893. He jumped overboard?—He jumped overboard before I left: and the first mate must have left before I did, because I did not see him on board and he was picked up in the same boat as I was.

894. You infer that about the first mate?—I could not see him on board and not only that but I saw the ship sink.

895. Such passengers as you saw had their life jackets on?—Yes, I think the majority of them had.

896. And you said something about a rush being made to the boats: was it the passengers that made the rush to the boats?—Yes, speaking generally there was a rush to the boats.

897. Not unnaturally, perhaps?—Not unnaturally.

898. And you said something about the boats bumping against the sides?—When they were hanging in the falls they bumped against the side. When they struck the water there was enough sea on to bump them against the side.

899. So that they might probably get some damage?—Yes, but not sufficiently there, not on that side I think.

900. Which side are you speaking of?—The starboard side: that was the leeward side.

901. Then the port side would be the weatherside?—Yes.

902. And any boats being lowered there would probably get more damaged if they did bump than the boats on the starboard side?—Yes, they would.

Examined by MR. HOLMES.

903. Did you see the captain jump into the water?—I did not see him jump into the water.

904. You saw him in the water?—Yes, I think so.

905. That was after the torpedo had struck you?—Yes.

906. And that was after all the boats had gone or had been destroyed?—Yes, they had gone then.

907. Did the ship take a list after the torpedo struck her?—Yes, she took a list to starboard and sank by the stern gradually.

908. A heavy list?—It was an immediate list.

909. Was it sufficient to throw anyone off the deck?—No, she did not have a heavy list for several minutes afterwards.

Examined by MR. JOSEPH COTTER.

910. Did you see any of the crew giving lifebelts out?—No, I did not see any of the crew giving lifebelts out, and I heard no orders about lifebelts.

911. Did you see the crew assisting the passengers into the boats at all?—No.

912. When you went along to No. 8, what was on the poop?—I did not go along there to No. 8.

913. You stated that you went to No. 8?—I went and saw No. 4 being lowered.

914. Did you not say that you went to No. 8 aft?—No, the centre boat at the port side.

915. Where were you when No. 8 was thrown into the water?—I was on the starboard side on the passenger deck.

916. Whereabouts?—Under the bridge I should think.

917. Where was the bridge situated—was not the bridge situated forward of No. 5?—Just forward of No. 5 or No. 6—about there.

918. Could you see from the bridge right aft to No. 8?—Yes, I was holding on waiting for the torpedo to hit the "Falaba."

919. You did not see any of the crew at all then in her?—In which?

920. Along the decks?—I saw some of the crew in the boats.

921. Did you see any of the crew doing anything to assist the passengers into the boats?—No.

922. You heard no orders at all?—No.

Examined by MR. RONALD McDONALD.

923. Where did the torpedo strike the boat?—On the starboard side opposite the engine room.

924. Was it a big explosion or not?—No, not a very heavy explosion; it threw a lot of water up.

(The Witness withdrew.)

The Commissioner: How many more witnesses have you?

The Solicitor-General: There are a very, very large number, my lord, but I cannot help thinking that after to-day we shall be able to limit them very materially.

CAPTAIN MATTHEW CHARLES COVERLEY HARRISON, Sworn.

Examined by the SOLICITOR-GENERAL.

925. Are you Assistant Commissioner of Police at the Gold Coast Colony?—I was, yes.

926. And were you a passenger on board the steamship "Falaba" when she sailed on the 27th March from Liverpool?—I was.

927. Did you see the submarine before she torpedoed the ship?—Yes, I saw her about a quarter of an hour before.

928. Did you notice any messages that she gave?—I saw she had signals up, but I could not read them.

929. How do you remember when the "Falaba" was stopped?—Yes, and remember it.

930. What happened then?—How do you mean?

931. I mean to say you were on board the "Falaba." She stopped, what did you do?—We walked about and put our lifebelts on.

932. There were plenty of lifebelts?—I had no difficulty in getting one; at least one was thrown at me.

933. You do not expect to have it politely handed to you at a moment like that?—We were told where we could find them.

934. The Commissioner: Were there not lifebelts in all the cabins?—Yes, but I did not go down to the cabins.

935. The Solicitor-General: After you got the lifebelts what happened?—Then I eventually got into the last boat that left the ship.

936. Which boat was that?—No. 6.

937. Did you see the other boats launched?—Yes, nearly all except No. 8, I think.

938. Had you any opportunity of getting into the other boats, or did you stand back?—I did not attempt to get into any of the others.

939. Because they were full?—Yes, and besides, the first two I saw floating about when everybody was in the water, they broke to pieces, the framework was broken.

940. They could not have been broken to pieces before they left the boat. I was asking you if you tried to get into any other boat?—No, I did not.

941. Were the other boats filled by passengers?—Yes, all except No. 4.

942. Can you tell me from your own observation what happened to these boats according to their numbers?—Yes, I can—after they were in the water.

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CAPTAIN MATTHEW CHARLES COVERLEY HARRISON.

[Continued.]

943. No—before they got into the water?—No. 4 was launched all right. No. 2 was upset into the water—that broke to pieces altogether.

944. You see those numbers there on the diagram?—Yes.

945. Can you tell me by referring to those numbers what happened to each of the boats?—I cannot, except Nos. 2 and 4.

946. Tell me, with regard to No. 2, what happened to that?—As far as I can remember, it reached the water and absolutely collapsed.

947. Where were you standing?—I was standing on the top deck between Nos. 4 and 6.

948. And with regard to this boat No. 2—did they begin lowering it while you were on the upper deck?—No, they began lowering it when I was on the lower deck.

949. So when you had got up it had been partially lowered?—I think it had reached the water; they were all in the water.

950. And as far as No. 2 was concerned, when you got up on to the upper deck you saw No. 2 boat and people struggling in the water?—Yes.

951. Now with regard to No. 4, that was lowered quite safely, was it not?—Yes, that was lowered all right.

952. With some 40 people on board?—No, it had not as many as that.

953. It was full, was it not?—No, because I happened to swim past it.

954. Why did not you get into it?—Because they had started lowering it.

Examined by MR. BUTLER ASPINALL.

967. Did you notice whether the third officer was attending to boat No. 6?—I did not notice him.

968. I mean he might have been there?—Yes, he might have been there before I appeared on the scene. I said I did not notice him. You asked me if I noticed the first officer there, and I said I did not.

969. You are rather inclined to jump in before the question is finished, you see. Now I am going to ask you this question. Do you think it is possible that you might have missed the officer there, and that he nevertheless might have been there?—I do not think it is possible at all.

970. Because it is not unnatural?—I expect there was a little anxiety amongst the people on board the ship?—Very little, I think.

971. Was that apparently because the officers and the men inspired confidence in the passengers, do you think, by the way they were acting?—I cannot say I noticed many of the officers or the men.

972. But apparently there was very little anxiety due to some reason or another?—Yes.

973. *The Commissioner*: There were apparently about 30 or 40 of the crew saved?—Yes, I believe so.

974. *Mr. Aspinall*: At any rate you did not see the third officer, and I rather gather your evidence is that you saw no seamen in this boat?—We had no seamen in our boat at all; in fact, all were so crammed that we could not get to the oars at all to row away with; nobody superintended the men being put into the boat at all, and we started to look about as soon as we reached the water.

975. This is No. 6?—Yes.

976. *The Commissioner*: Do you mean to say there were no oars in the boat?—There were oars in the boat, but we could not get at them, it was so crowded.

977. *Mr. Aspinall*: What happened to the boat?—She drifted away from the "Falaba" and sank in about 15 minutes.

978. What happened to you then?—I was in her for about three hours.

979. Is it your view that she sank because she was crowded, or was there any other reason?—And rotten too, absolutely rotten. She was not capable of holding more than about a dozen people.

980. You have a strong view about that?—Yes, I have a very strong view about it.

981. I notice with regard to other boats that you speak of their breaking to pieces?—Yes.

982. Did you see them break to pieces, or did you infer it from the fact that you saw these unhappy people in the water? Let me repeat my question: Did you see the structure come apart, or did you infer that they had

955. *The Commissioner*: How many were there in it?—I should imagine there were between 25 or 30, or something like that, my Lord.

956. *The Solicitor-General*: It was not quite accurate to say you stood back to let the other people go. In point of fact the boat you took was the only one available for you. Is not that right?—That was the only one that I found—No. 6.

957. Tell me exactly what happened to No. 6; was it safely launched?—Yes, it was.

958. *The Commissioner*: How many were there in that boat?—About 40, I should think.

959. *The Solicitor-General*: Was it properly manned?—It was overcrowded to start with. It was not properly manned.

960. Why not?—Because there were no seamen in it at all.

961. They were all passengers?—All passengers and lowered by passengers.

962. Did you know the passengers who lowered it?—I did.

963. Can you give me their names?—Mr. Emmerton and Mr. Lacon.

964. Do you know if either of those people were saved?—Yes, one, Mr. Lacon—No, both I think were saved.

965. What boats were they saved in?—That I do not know. I do not think they got into a boat at all; I am certain they did not.

966. They lowered the boat you were in?—Yes.

broken to pieces because you saw these poor people floating in the water?—I saw merely the framework of two boats floating in the water, and the people in the water. All the boards had left the framework, and were floating about separately.

983. I mean to say it was not a very good opportunity for accurate observation, was it?—I happened to swim past two of them, and had a very good look at them because I hung on to one for a little bit.

984. I wonder if you could help me with regard to the numbers of any of these boats, could you? One boat, No. 6 for instance, you said she was absolutely rotten?—Yes, she was.

985. And then you told us of two other boats that broke to pieces?—Yes.

986. Now dealing with the one I mentioned first, No. 6, that we can identify?—Yes.

987. And do you think you could help me to identify the other two that broke to pieces?—No. 2 was one of them, I think, I cannot say as to the others.

988. You identify No. 6 and No. 2?—Yes.

989. Now am I to understand that the two boats that broke to pieces are boats which you would describe and accurately describe as "rotten"?—Yes.

990. Is it your view—I want to know the worst—that they were all three rotten?—No. No. 6 certainly was in a very rotten condition. It was not a lifeboat at all, it was a surf boat.

991. No. 6?—Yes.

992. Yes, you are quite right; that was a surf boat, but the wood was rotten?—Yes. There were no provisions on board—nothing at all.

993. *The Commissioner*: Can you tell me what these surf boats are used for?—For conveying passengers' luggage to and from the boats out on the West Coast of Africa where there are no harbours.

994. Are they used on every voyage?—That I cannot say. The surf boats generally are sent out from the shore at the various ports as they call them.

995. I was talking about the surf boats on board the "Falaba"?—I cannot say.

996. It is rather rough work, is it not, going from the ship to the shore in a surf boat?—Yes, at times it is.

997. You have no idea when these boats were last used, this particular boat No. 6?—I should think it must have been some considerable time since they had been used judging from the condition they were in.

998. What do you mean by some considerable time?—They had probably made two or three voyages out to the tropics with no water in them.

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CAPTAIN MATTHEW CHARLES COVERLEY HARRISON.

[Continued.]

999. *Mr. Butler Aspinall*: You do not mean for drinking purposes but you mean to preserve the timbers?—Yes.

1000. This boat if you are right had been sadly neglected?—I should think it had.

1001. I mean to say it must have been very sadly neglected?—Yes.

1002. I do not know if you were here this morning and heard the evidence of the Board of Trade surveyor?—I was here and heard it.

1003. I mean if he knows his business he probably grievously failed in December, 1914, when he gave that certificate?—Yes.

1003A. He told us you know that in December, 1914, he went through these boats?—Yes.

1004. And of course apparently he did not do his duty, did he?—I presume the "Falaba" sailed for West Africa—between that date and the date we sailed.

1005. No doubt, on one trip I am told?—Yes.

1006. And was away six weeks?—Yes.

1007. So much for that boat. In fact she was not only a surf boat but she was I think what is described as a surf lifeboat; perhaps you do not know?—I do not know the difference. She looked exactly like an ordinary surf boat.

1008. Now with regard to the other two boats would you say they were in as bad a condition as No. 6?—I should think they were probably worse.

1009. Why do you say that?—They broke to pieces sooner than ours did.

1010. Here again this Board of Trade Surveyor seems to have failed us, does he not?—Yes.

1011. I mean if in this comparatively short space of time the timbers of these boats were so rotten that they fell to pieces in the way you have described, the Board of Trade Surveyor must have failed us. That is your view?—Yes. That is my view entirely.

1012. Are you making a claim against the Elder, Dempster Company?—No, I am not.

1013. Are you asking for compensation?—I asked for compensation to start with.

Examined by MR. RONALD McDONALD.

1014. Can you tell me at what pace the "Falaba" was going at the time of the disaster?—I should have thought about 8 knots.

1015. Relatively to the submarine?—I should have thought we were going about 8 knots.

1016. *The Commissioner*: Am I to understand that in your opinion the "Falaba" was making about 8 knots?—Yes, my Lord.

1017. That is very different from the evidence of the other witnesses.

1018. *Mr. Ronald McDonald*: How was she going relatively to the submarine?—The submarine overtook us in a very short time.

1019. Was the submarine going about twice as fast?—Yes, quite twice as fast; more than that I should think.

The Commissioner: Do you want to ask anything, Mr. Solicitor.

The Solicitor-General: No.

The Commissioner: Mr. Aspinall, I should like you to ascertain, if you do not know it already when these boats were built, and whether they were built at different times or whether they all date from the same year?

Mr. Butler Aspinall: Certainly. We shall of course make a very searching Inquiry naturally into the history of the boats.

The Commissioner: I want to know something about the history of these lifeboats.

Mr. Butler Aspinall: Certainly. Some of them your Lordship will be told were washed up on the shores of Devonshire and Cornwall, and we have got two gentlemen here who saw them. I have got a list here now of when the boats were built. Shall I hand it in or shall I read it.

The Commissioner: Just read it to me at present. When were they built.

Mr. Butler Aspinall: They were built on different dates. Nos. 1, 2, 3 and 4 were built in 1906; No. 5 was built in October, 1911; No. 6, October, 1913; No. 7, 1907, and No. 8, October, 1913.

The Commissioner: No. 6 is supposed to be one of the rottenest, is it not?

Mr. Butler Aspinall: No. 6 was very rotten.

Witness: I did not say it was the rottenest. I said some sank before we did. I consider it was a very rotten boat.

Mr. Butler Aspinall: "Absolutely rotten" I think was your expression.

1020. *The Commissioner*: It must have been built of very bad wood if it was built in 1913 and was rotten in in 1914?—I think the climate has a lot to do with it—the West African climate.

1021. Is it your view that lifebelts on these liners going to West Africa only last twelve months?—They certainly cannot have a very long life, not if they have to go through the surf out there or go into the tropics very often.

1022. I understood you to say about these boats that you did not think they did go through the surf very often?—Or any time in the tropical sun—I think that is quite enough.

1023. *The Solicitor-General*: Have you anything to say about the tackle which lowered the boats into the water—the falls?—Yes, I understand, in some cases, they were very bad.

1024. Have you got any knowledge of it yourself?—Ours was not particularly good.

1025. Did you examine it?—No, not very carefully.

1026. Did your tackle lower you safely into the water?—Yes, it got us into the water all right.

1027. Then why do you say it was not very good?—It did not look very good.

1028. It served its purposes, however?—It did on that occasion.

1029. Have you anything to say about the tackle of the other boats?—No.

(The Witness withdrew.)

Adjourned to to-morrow at 10.30 o'clock.

CAXTON HALL, S.W.,

Friday, 21st May, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,

Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "FALABA."

SECOND DAY.

THE SOLICITOR-GENERAL (SIR STANLEY O. BUCKMASTER, K.C., M.P.), MR. BRANSON and MR. DAN STEPHENS (instructed by Sir R. Ellis Cuncliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. BATESON, K.C., and MR. MAXWELL (instructed by Messrs. Forwood and Williams, of Liverpool) appeared as Counsel for the Owners, Mr. John Craig, Managing Owner,

Captain Peter William Thompson, Marine Superintendent, and Mr. W. C. Baxter, Chief Officer.

MR. HOLMES appeared for relatives of the Captain.

MR. RONALD McDONALD (instructed by Mr. Lewis W. Taylor) appeared for Lieut. C. C. R. Lacon, a passenger.

MR. COTTER appeared for the National Union of Stewards.

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MR. T. D. WOOLLEY.

[Continued.]

The Solicitor-General: I have endeavoured to prepare a statement of the lists of the boats and what happened to them.

The Commissioner: At present the evidence as to the boats is in an unsatisfactory state. They were surveyed by the Board of Trade Surveyor before the vessel left Liverpool, and, according to him, they were in good order. Now there seems to be evidence that, at all events, very shortly after there was an attempt to launch them, some of them went to pieces or were very seriously injured; and what we want the evidence about weather for, is to ascertain whether the weather was of such a kind as to cause damage to the boats against the vessel.

The Solicitor-General: I am obliged. May I read out and take your Lordship through this statement which I have prepared? Boat No. 1—and I am following the numbers on the plan—capsized on, or shortly after, being launched. One of the falls let go at the bow end of the boat while it was being lowered. Cause of accident not yet determined. No. 2 capsized on or shortly after being launched, owing to stays being let go. No suggestion this was due to passengers jumping in. 3, launched and went away safely. 4, launched and went away safely, with about 40 people, including 5 women. 5, launched and went away safely. Suggested that this was due to shock of torpedo. 6, lowered safely with 20 people. 7, lowered safely and got away. 8, capsized in course of being launched. Suggested in consequence of shock of torpedo.

The Commissioner: Now I want Mr. Aspinall to supply us with some particulars as to when these boats were built. Apparently they were built at different times. and you must get that for us, please.

Mr. Butler Aspinall: Yes.

The Solicitor-General: I have also prepared, as I thought it might be convenient, a statement of the passengers saved and lost, in a form which will be handy

to look at: Saved, 93; lost, 54—total, 147. Crew saved, 48; lost, 47—total, 242.

The Commissioner: The proportion of passengers saved is slightly more than the proportion of the crew.

The Solicitor-General: There is one thing more I just want to say before calling further evidence. Of course your Lordship knows how very anxious, and naturally anxious, passengers are to give a full account of the grave misadventure which they have met with, and I understand the view that is taken by people, who are looking at matters from the point of view of the special points of the inquiry, does not meet what the passenger wants to say.

The Commissioner: We had one gentleman here yesterday who asked to be allowed to tell his story in his own way. I said he might, and he did. He told us a very great deal of what we did not want to know and which was quite immaterial. Once you get a witness telling his story in his own way he will tell you the colour of his coat and how his hair had been brushed and all sorts of things.

The Solicitor-General: I am as keenly alive to that as any one, but I can see something on the other side. These people have been in peril of their lives and they do not understand that matters which are of very real importance to them are matters which, for the purposes of this Inquiry, we do not want to know about.

The Commissioner: You must as far as possible let them have their say.

The Solicitor-General: I am obliged to your Lordship. May I add that there was a Mr. Watt who was here and gave evidence who felt that he had not had his say.

The Commissioner: Then let him come back. Is he here?

The Solicitor-General: I am obliged to your Lordship; he is not here at present.

MR. T. D. WOOLLEY, SWORN.

Examined by MR. BRANSON.

1030. *The Commissioner*: Now, Sir, will you tell us all you want to tell us?—I would rather have questions asked me.

The Commissioner: I think you are quite right.

1031. *Mr. Branson*: What are you?—A Surveyor of Roads in the Public Works Department, on the Gold Coast.

1032. And you were a passenger on board the "Falaba"?—Yes.

1033. I think you were going out to take up your duties?—Yes.

1034. Where were you when you first saw or knew there was a submarine in the vicinity?—Walking up and down the promenade deck.

1035. Did you see the submarine?—Yes.

1036. How far away was it when you first saw it?—About two or three miles.

1037. Did you see any flags or the conning tower?—Yes, I saw what looked like a white ensign and also a signal—two or three flags.

1038. Did you continue to watch it?—Yes. I went down to get my field glasses.

1039. Did you see any change in the flag or did it continue to fly the flag?—As far as I could see there was no change.

1040. When it got nearer did you see any flare, or see any signals?—They fired a luminous rocket of some sort.

1041. As they got near?—They were quite close up when they fired that.

1042. Did you see any other signal?—No, I saw nothing further.

1043. On board the "Falaba" did you hear any orders?—No. After I saw the rocket fired I went round to a man's cabin, who I thought was asleep, to wake him up. He was awake. When I got back to the side the submarine was on, I heard someone shout out "All hands on deck."

1044. Which side was the submarine then?—On the port side of the "Falaba."

1045. Did you get a lifebelt?—I went down as soon as I heard that order to get my lifebelt.

1046. And you found one, did you?—Yes, on the bunk.

1047. Did you put it on?—No, I had to look for some string to tie it on with. There were no tapes on it.

1048. Was that the only one in your berth?—It was the only one left.

1049. Did you put it on?—I eventually got it on.

1050. Then what did you do?—Went up on deck. First I went to the starboard side and I saw a boat hanging on one davit.

1051. Which boat was that?—It might have been 1, 3, or 5; I do not know which.

1052. 3, we are told, got away safely?—Then it would be 1 or 5. I went across to the other side of the deck and found 4 being launched and I got into 4.

1053. What about 2 and 6; did you see them?—No. I do not know what happened to them.

1054. Was 4 launched all right?—Yes.

1055. When you were launched in No. 4, could you see the submarine?—No.

1056. *The Commissioner*: Where was the submarine then?—I did not see it. I gathered it was on the other side of the ship.

1057. *Mr. Branson*: Can you tell the Court whether, when the boats were being lowered, particularly when No. 4 was being lowered, if the ship had any headway or way she stopped?—I should think she had no headway then.

1058. *The Commissioner*: Do you mean to say she was stopped dead in the water?—I should think so, because when we were clear of the ship she did not go away from us. We hung quite a little time on to the side of the ship and had to pull away. If she had had way on her she would have left us.

1059. *Mr. Branson*: Did you hear or see the explosion?—Yes, I saw it and heard it.

1060. Where was No. 4 boat when the explosion took place?—On the starboard side of the "Falaba."

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MR. W. C. CHISWELL.

[Continued.]

1061. Had you gone round the head of the "Falaba"?—Yes.

1062. How far were you from the "Falaba" do you think when you heard the explosion?—300 yards.

1063. Had you rowed there?—As well as we could.

1064. Was there any officer on board the boat. Did you know the officers of the "Falaba"?—I knew some of them. I knew the officer in charge of No. 4.

1065. Who was he?—The Chief Engineer. He said he was not in charge, but he seemed to be pretty well in charge of the boat.

1066. Was there any sea?—A choppy sea.

1067. Any wind?—Yes, a fair wind.

1068. Can you tell us in which direction?—It was north-east.

1069. You have told us you saw and heard the explosion. Were there people in the water when the explosion took place that you saw?—I cannot remember seeing them.

The Commissioner: If you do not know do not begin to think as to what was probably the case, but say that you do not know. It is far better.

1070. *Mr. Branson*: One other question on the same matter. When the explosion took place, did you see any boats lowered or in the act of being lowered?—No.

Examined by MR. BUTLER ASPINALL.

1071. With regard to the rocket, it was daylight was it not at the time?—Yes.

1072-3. Are you sure you saw a rocket?—Certain.

I am not suggesting you did not, but it is the first we have heard of a rocket, and I wondered why they fired it.

1074. *The Commissioner*: A rocket I suppose makes a noise?—It made a noise, not a big noise. It looked like a rocket. There was a luminous ball in it, a white light.

The Commissioner: Do any of the other witnesses speak of a rocket.

Mr. Branson: Yes, two or three, my Lord. I do not know that they exactly describe it as a rocket, but some signal of the kind.

1075. *Mr. Butler Aspinall*: Were there any other people in your cabin beside yourself?—Two others.

1076. Is it your view that you were the last in your cabin to get your lifebelt?—Yes, I think so.

1077. Some people, I believe, have a difficulty in putting life jackets on, have they not?—I do not know. I have had no experience.

1078. *The Commissioner*: Have you ever put a lifebelt on before?—No.

1079. *Mr. Butler Aspinall*: What was in my mind was this. It may be that the other two gentlemen who were in your cabin had been there before and had difficulties with the tapes and may have torn them off the belt; that is possible, I suppose?—Yes, it is possible.

1080. Have you any idea whether any other boat had been lowered before your boat No. 4?—I saw one boat hanging on the davits. Whether any of the other boats were launched successfully I cannot say.

1081. But you cannot tell me whether any other boats had been lowered before you got away?—No, I cannot say. I presume there were.

1082. Your view is that at the time your boat was lowered or when it got into the water, the ship had lost her headway?—Yes, I think so.

1083. *The Commissioner*: Can you tell me what length of time elapsed between your first seeing the submarine and your getting into No. 4 boat?—I should think about half an hour.

1084. Did the blow of the torpedo come after you had got into the boat?—Yes.

1085. How long after?—Three or four minutes.

Examined by MR. RONALD McDONALD.

1086. Can you tell me the pace of the "Falaba" at the time you first saw the submarine?—I should think she was going her usual pace.

1087. *The Commissioner*: What is that?—About 12 or 13 knots an hour, I should think.

1088. We were told yesterday by one witness 8 knots?—I think she was going faster than that.

1089-90. *Mr. McDonald*: When did she begin to slow down?—After the rocket was fired.

Can you tell me whether the boat was sufficiently rough to damage boats in a reasonably good condition?

1091. *The Commissioner*: Are you an expert in boats?—No.

The Commissioner: You cannot ask that.

Examined by MR. JOSEPH COTTER.

1092. When you found there were no tapes on the lifebelt, did you attempt to find your bedroom steward to get another?—No.

1093. Did you not think it would have been best to have done so?—No; he was on deck. I was in a hurry to get on deck and I took the belt away.

1094. How many bunks were there in your sleeping place?—Three.

1095. And there would be a life belt in each?—Yes.

1096. *The Commissioner*: Now I want you to tell us whether there is anything you would like to add?—No.

1097. You think you have told us everything?—Yes.

(The Witness withdrew.)

MR. W. C. CHISWELL, SWORN.

Examined by the SOLICITOR-GENERAL.

1098. *The Commissioner*: Which would you rather do, tell your story in your own way or be questioned?—I would rather answer questions.

1099. *The Solicitor-General*: Are you Foreman of the Nigerian Eastern Railway?—Yes.

1100. Were you going out by the "Falaba" to take up your duties there when she was sunk on March 28th?—Yes.

1101. When did you first see the submarine that sank her?—About three miles astern.

1102. Was the submarine then flying any flags?—I could not see at that distance.

1103. You had not a glass?—I had not a glass.

1104. Then the submarine followed and got closer?—Yes.

1105. Did she hail the "Falaba" through a megaphone?—I heard something either through a megaphone or someone putting his hand to his mouth giving orders.

1106. When it got close?—About 300 yards away.

1107. You could not hear what was said?—I could not distinguish what was said.

1108. From the time you first saw the submarine until the time you heard this shouting through the megaphone, how long a time elapsed?—Somewhere about a quarter of an hour or 20 minutes.

1109. From the time you heard the shouting through the megaphone till the time the "Falaba" was struck by the torpedo, how long elapsed?—Half-an-hour, about.

1110. *The Commissioner*: Do I understand from that that there was an interval of about three-quarters of an

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MR. W. C. CHISWELL.

[Continued.]

hour from the time you first saw the submarine to the time when the torpedo struck the "Falaba"?—Half-an-hour from the time I saw the submarine to the time she was torpedoed.

1111. *The Solicitor-General*: I think that is so. When the submarine was near to you and you heard the shouting, what did you do?—When I heard the shouting I walked up on the poop deck and got into No. 2 boat according to the plan, with three other passengers.

1112. Then when the shouting began you realised that you were in imminent danger of being sunk?—That is so.

1113. And took steps to save yourself?—Yes.

1114. You went on to the upper deck and, with other passengers, got into No. 2 boat?—That is right.

1115. What happened then?—When I got into No. 2 boat with the other passengers, one end dropped away and our boat went down end on into the sea; the jerk pulled the ring-bolt out and we shot into the sea and went to the stern of the "Falaba."

1116. The strain pulled the ring-bolt out of the stem, did it?—Yes.

1117. Did you see the ring-bolt after it was pulled out?—No.

1118. How do you know it was pulled out?—Because the stem of the boat had split.

1119. How did the boat strike the water?—Bow on into the sea, and we took in half a boatful of water and then shot round the stern of the "Falaba."

1120. Had the "Falaba" any way on her then?—She was stationary.

1121. What happened to the boats you were in?—The gunwales came away from the sides and the bottom dropped out.

1122. Were you thrown into the water?—No.

1123. Did the boat still float?—We hung on to the gunwale and the seats that were left, up to our necks.

1124. What happened?—We hung on till we were saved.

1125. How were you saved?—By clinging to the gunwale.

1126. Who saved you, and how?—The "Orient the Second" saved us.

1127. Then you were hanging on like this for a long time?—Three hours and a-half.

1128. You hung on to the wreckage of this boat for three hours and a-half?—Yes.

1129. *The Commissioner*: How many of you held on?—Twelve. Our boat picked up 10 of the boat that dropped off, No. 8.

1130. How many of you were in this boat when the drifter came and took you off?—Twelve.

1131. How many got into the boat originally?—Ten.

1132. Did those 10 remain by the boat until the drifter came up?—They remained by the boat. Two died on the boat.

1133. Then did two others come and cling to the boat?—No.

1134. I thought you said there were 10 to begin with?—No; there were four of us when we started, then we picked up 10 after.

1135. How many got into the boat No. 2 before it was lowered into the water?—Four.

1136. Then there were 12 in it when the drifter took them off?—That is it.

1137. When did the other eight get in?—They belonged to No. 8 boat, which dropped from the davits into the water; we picked them up.

1138. Then you took the other eight out of the water?—We picked up 10. Two died from exposure before we were picked up.

1139. And you picked up 10?—Yes.

1140. Was it 2 of the 10 that died, or 2 of the 4?—Two of the 10 died.

1141. Who had come out of the water?—Yes.

1142. *The Solicitor-General*: Was this boat, while you were clinging to her, still in the form of a boat, or had it become wreckage?—It had become wreckage.

1143. Were you clinging to separate planks?—No; we tied the gunwale and the seats together with a large rope.

1144. Then did it hold together?—It held together.

1145. And, so mended, it carried altogether 12 people, did it?—It carried 14.

1146. And carried them until you were picked up by "Orient II"?—That is it.

1147. Did you see any other boats in the water?—I saw the boat which dropped over, No. 8, I should take it

1148. From the other side?—From the other side, as we shot round the stem.

1149. She had dropped into the water, too, had she?—Yes, and we picked up 10 of them. There were four or five of the crew—stewards—who were looking after themselves instead of looking after—

1150. *The Commissioner*: How many were in No. 8?—I could not say, because they all dropped into the sea.

1151. I thought you said most of them were the crew?—What we picked up.

1152. Had they come out of No. 8?—They had come out of No. 8.

1153. How many did you pick up out of No. 8?—Ten.

1154. How many of them were crew?—The carpenter—

1155. Never mind what they were; how many of them were crew?—Five.

1156. Were the other five passengers?—The other five were passengers.

1157. *The Solicitor-General*: You said it was No. 8. Could you tell whether it was No. 8 or No. 1?—I could not tell you that.

1158. It was simply a boat that was on the other side of the "Falaba"?—Yes.

1159. Did you see any of the crew of the submarine while you were in the water?—Yes, quite distinctly.

1160. Did they do anything?—Laughed and jeered.

1161. Did you hear that yourself?—I heard that and saw it.

1162. You were quite close to them?—Quite close to them; not more than 50 yards off.

1163. At that moment were people struggling in the water for life?—Yes, at that moment.

1164. Were they visible to the crew on the submarine?—I should say so.

1165. They were visible to you?—They were visible to me, and the submarine was higher out of the water than I was.

Examined by MR. BUTLER ASPINALL.

1166. With regard to your No. 2 boat, she in fact carried 14 people to the drifter, two of whom were dead?—Yes.

1167. And this boat had been in the water for 3½ hours?—Yes.

1168. And after the 12 of you got on board the drifter, was this boat from which you got out still afloat?—It fell to pieces like a box of matchwood.

1169. When you left it?—When we left it.

1170. What do you think caused it to fall to pieces like a match-box when you all got out of it?—I should say that the men all hanging together and holding on to the rope which we had lashed the boat together with, was the only thing which kept it afloat until we were saved.

1171. You and the other people, you think, kept it together?—We kept it together by hanging on to the airtight tanks alongside the gunwale.

1172. That is the best explanation which suggests itself to you?—Yes.

1173. I think you also said that the bottom dropped out of it?—That is it.

1174. Did you see the bottom drop out of it?—I found it out.

1175. *The Commissioner*: Show us the size of the hole. If the bottom dropped out I suppose there was a hole in the bottom?—The whole lot came away. I dropped through the bottom myself and came up again. The whole of the bottom came out, I should take it, from the heavy seas washing in on the top and the boat being submerged.

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Mr. W. C. CHISWELL.

[Continued.]

1176. You have not told us what sort of sea it was.—A heavy sea.

1177. *Mr. Butler Aspinall*: When the boat was being lowered on the port side did it knock against the side of the ship, as far as you know?—It did not touch anywhere.

1178. I have no doubt that is your impression, but are you sure?—Certain.

1179. I suppose what was mainly present to your mind was saving your life and giving help to anybody else who wanted assistance?—The thing never occurred to me about saving my life.

1180. From the water you picked up 10 people?—That is so.

1181. *The Commissioner*: Was that before the hole came in the bottom of the boat, or after?—Before.

1182. *Mr. Butler Aspinall*: How did you manage to pick up the 10 people and get them into this boat?—We drifted round the stern and got to the starboard side of the "Falaba"; as we did so this boat dropped into the sea.

1183. When you speak of this boat you mean another boat?—Yes, I think it was No. 8, but I cannot be certain that it was No. 8.

1184. What happened to these 10 when you picked them up. Did you get them into your boat?—They swam to our boat and we drifted into some of the wreckage of their boat.

1185. But they got into your boat?—They got into our boat before the bottom dropped out; then they hung on to the gunwales.

1186. How did you get them in?—We pulled them in.

1187. Was the boat still a boat when they got in?—No, not a boat then; it was submerged.

1188. After that did the bottom fall out?—After that, the bottom fell out.

1189. What do you think caused the bottom to fall out?—The rotten condition of Elder Dempster's boats.

Examined by MR. JOSEPH COTTER.

1205. Where were you when you first sighted the submarine?—On the second saloon deck.

1206. How long did you remain there?—I remained there till I got on the top to get into the boat.

1207. How long?—That was within half-an-hour.

1208. How long did you remain on the deck where you saw the submarine before you went to the top deck?—I should say 20 minutes.

1209. Can you give me any idea of the approximate time when you first saw the submarine?—According to ship's time, it was between 11.30 and a quarter to 12.

1210. Would it be 11.40, about?—Yes, somewhere about that.

1211. Did you hear any order before going on the deck?—Not one.

1212. Did you go anywhere to get a lifebelt?—No.

1213. You went up without a lifebelt?—Yes.

1214. Where did you go to?—On to the boat deck.

1215. Did you see any officers there?—None.

1216. Was anybody there?—No one.

1217. Then you were by yourself?—Three passengers came up after me.

1218. There were four of you?—Yes.

1219. And it would be about 12 o'clock?—About that.

1220. What did the four of you do?—Got into No. 2 boat.

1221. Did you wait for any other passengers to come up?—We could not wait. The end of our boat dropped down into the sea.

1222. Why could you not wait, somebody must have made the end drop?—We did not see anyone there.

1223. What do you suggest made the boat drop?—From the weight of the men, or the boat was not tight where the cleat was.

1224. How long were you in the boat before it dropped?—About two seconds.

1225. *The Commissioner*: Are you telling us there were four people in this boat, and the rope broke and the boat fell into the water?—No, the rope did not break.

1226. What happened?—It ran through the pulleys.

1227. Why did it run through the pulleys?—I could not say.

1190. Have you often been out to the West Coast?—Yes.

1191. In the Elder Dempster boats?—Yes, six trips.

1192. I thought you spoke with some warmth—you did, did you not?—It is a fact—I did.

1193. Is it your view when boat No. 2 was put into the water, the ship had headway or was stationary in the water?—She was stationary.

1194. Was your boat rowed round from about more or less amidships on the port side to the starboard quarter of the "Falaba," and then did you pick up the men from No. 8 or No. 1?—We just came round the stern to the position where No. 8 is marked on the plan, and that is where we saw the boat drop into the water.

1195. Was this boat No. 2 rowed round to that position?—No, it drifted.

1196. Will you explain this: if the ship was stationary the ship would drift just as much as the boat would drift, would she not?—I should think so.

1197. You were in the same moving water. How do you think, unless your boat was rowed round from the port side to the starboard quarter, she could have got there?—I should say the boat, being lighter than the "Falaba," she would drift quicker than the "Falaba," and the speed that we were shot down from the davits helped us along.

1198. But how could it help you aft and then at right angles to aft and then forward again?—The sea was heaving. I could not say exactly in what position we were drifting.

1199. Were there no oars in this boat?—There was.

1200. Were they used?—We could not use them.

1201. Why?—Because our boat got submerged.

1202. *The Commissioner*: Did you try to use them?—No.

1203. *Mr. Butler Aspinall*: I think you have been demanding payment of the sum of £250 in respect of shock?—Yes, personal injuries.

1204. I do not want to inquire into that, but I hope you are well now?—I have been better.

1228. There was nobody lowering it?—No.

1229. *Mr. Cotter*: You got into a boat without asking any questions. You did not know whether it was fast, and you got adrift?—We took it for granted it was all right.

1230. You got into a boat without any orders?—That is it.

1231. You did not know whether the falls were fast, or that she would hold the weight of the passengers. You took the risk: you jumped into the boat and down she went. That is what happened?—Yes. In those times you do not go about asking questions. You jump into the first boat when your life is in danger.

1232. Did you see any other boats being lowered?—No.

1233. Did you see any boats swinging on the davits?—I did not notice any.

1234. They had all gone?—No, not that I know of. I got into No. 2 and that is all I know about it.

1235. Did you notice No. 4 and No. 6, the next boat to you?—No, I was not interested in other boats.

1236. As far as I can see all you were interested about was in saving your own skin?—No, it never entered into my mind.

1237. You say you have done six voyages. I daresay you have seen boat drill?—An apology for it.

1238. You have seen boat drill?—I have seen it, such as it is.

1239. And you know instructions are given to the crew?—Yes.

1240. In a case like that do you not think it would have been wiser to wait until the officers came along and arranged to put a proper number into each boat?—No, because no orders had been given about getting into boats.

1241. So you simply took charge of the whole business?—No, I did not.

1242. There were only four of you on deck?—That is all.

1243. *The Commissioner*: Who were the other three—passengers?—Passengers.

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[Continued.]

1244. *Mr. Cotter* : If there were only four, you could not lower the boat away, could you ?—If anyone did not lower us we should be hung up there now, but the boat happened to drop away.

1245. *The Commissioner* : Did you intend to stay in the boat until some one came to lower it ?—That was the idea.

1246. *Mr. Cotter* : You say there was no way on the ship ?—No.

1247. Can you tell which end of the boat dropped into the water ?—The end nearest the stem of the "Falaba."

1248. So that she went down like *that* (describing) ?—She went down straight—stood up on end.

1249. And you say she drifted aft ?—No, I did not say that. I said when the ringbolt came out the bottom end shot into the sea.

1250. *The Commissioner* : How long had you been sitting in the boat before it fell ?—We were standing upright.

1251. How long had you been standing up in it before it fell ?—Two seconds.

1252. Then the moment you got in it fell ?—Yes.

1253. *Mr. Cotter* : Were you all in the boat when she reached the water ?—All of us.

1254. And you were standing up ?—Yes, I was standing *that* way in the boat (describing), and when she went down we got jammed under the seats and hung on to anything. When the boat went down I shot into the bottom and hung on to anything.

1255. What became of the other fall ? You say one broke ?—Yes.

1256. What became of the other one ?—I could not say.

1257. Who unfastened it ?—I could not say.

1258. You see, if it had not been unfastened the boat would not have drifted with the ship. If you had not unfastened the other fall the boat would have remained stationary by the side of the ship ?—I do not understand you.

1259. But you admit the boat reached the water ?—Yes.

1260. When did the boat begin to break up ?—About five minutes after we got into the water.

1261. Where did you first notice—in what part ?—There was a lot of water coming in and we tried to bale out and could not and we found the boat was breaking up.

1262. Did you look for the plug ?—Yes, and I could not find it.

1263. I am going to suggest to you that you lost the plugs through the boat tipping up. Was anything tipped out of the boat when it tipped up ?—Nothing that I noticed.

1264. You did not have a chance, did you ?—No, it was too sudden.

1265. And that the water came into the boat through the plug hole ?—That is it. It come through the plug hole.

1266. But you say the bottom fell out ?—Yes, about five or six minutes afterwards.

1267. Then you stated the gunwale parted ?—The sides seemed to come away like ; it started to give out like *this* (describing). We fastened it together with a rope which we found in the bottom.

1268. You say you picked 10 people up ?—That is so.

1269. How did you get them over the gunwale which parted ?—They came aboard before the gunwale parted. We were nearly submerged when they came aboard of us.

1270. *The Solicitor-General* : Will you look at that paper (handing the same to the Witness). Is that a picture of the boat you were in ?—That is exactly a picture of it.

1271. Does that accurately describe the way that boat went into the water according to your recollection ?—That is it.

1272. Are you shown in that boat ?—Yes.

1273. Are the other passengers you mentioned shown too ?—Yes.

The Solicitor-General : I should like your Lordship to see that. It purports to be a photograph taken at the time of an accident to one of these boats in the course of launching and I understand the witness identifies it as the boat he was in (the same was handed to the Commissioner).

Witness : Yes, that is so, and I can point out myself there with the clothes I had on.

1274. Can you point out in that picture yourself in the boat ?—Yes.

1275. *The Commissioner* : Where are you ?—The second from the end with an overcoat and trilby hat on.

1276. As far as I can see there are four people in this boat ?—Yes.

1277. And which of the four is you ?—The second from the top.

1278. As I understand this boat was suspended from the top here ?—Yes.

1279. But there is nothing to show it in the photograph ?—No, it was hanging up to the davits.

1280. But there is nothing to show it in the photographs ?—No.

1281. *The Solicitor-General* : When you went up there and got into that boat, had the other passengers already begun to go away ?—Yes.

1282. Was this boat swung out apparently ready to take people in ?—Not swung out the whole distance to take the passengers. As we got in she lurched out ; the davits were very loose.

I do not quite understand that.

1283. *The Commissioner* : Was this boat before you got into it slung out ?—Part of the way ; it was not clear of the side of the vessel altogether.

1284. *The Solicitor-General* : I understand the davits were not straight out, but at an angle ?—Yes.

1285. And as you got in your weight swung her out ?—Yes.

1286. Was anybody at the stays when you got in ?—I did not see anyone.

1287. Either one side or the other ?—No.

1288. You thought the boat would be properly hung upon the davits and would be lowered when you got in ?—Yes.

1289. I want to ask you a question about the condition of the boat, after you got into the water ; you say you think it was a rotten boat ?—I do.

1290. I want you to tell me if there is any especial fact you can point to as showing you are right in so thinking ?—My experience with regard to timber has taught me that in a tropical country, and the way these boats go up and down the West Coast year in and year out, the timber gets in a soft state and is burnt by the tropical sun.

1291. You have experience of timber ?—I have experience of timber.

1292. And timber, according to your view, suffers very quickly out in those suns. Is that right ?—Yes.

1293. Is it your opinion that a boat used out there has a very short life ?—Yes.

1294. *The Commissioner* : What, in your view, is the life of a lifeboat ?—According to the conditions of the tropics in West Africa, I should say two years is the full extent of the life of a boat.

1295. *The Solicitor-General* : That is owing to the action of the sun on the timber according to your experience ?—Yes.

1296. *The Commissioner* : How many voyages have you made out to this place ?—I have been travelling to and from West Africa since 1910.

1297. How many voyages ?—Six trips I have had altogether.

1298. Do you mean three out and home ?—Yes.

Mr. Butler Aspinall : May I see the picture ?

The Commissioner : Yes, I had some difficulty in understanding it, but Admiral Inglefield has been good enough to explain it to me.

1299. *Mr. Butler Aspinall (to the Witness)* : Which is the forward end of this boat. Is *that* the forward end, or is *that* ?—Both ends are alike.

1300. I know ; but which end of the boat was pointing towards the stem of the vessel ?—This end *here* was pointing to the sea, and *that* end was hung up to the davits.

1301. Is *that* end nearer the stem of the vessel than *this* end ?—You are looking at it the wrong way. It is hung up.

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[Continued.]

1302. If you put it back into its old position, which would be the end of the boat nearest the stem?—The top end. The bottom end was nearest the stern.

1303. *The Solicitor-General*: There is another picture which has been given me, and if this witness can prove it, it might be of considerable help. I only hope when these pictures are looked at the letter press will not be accepted, because the witness cannot speak to that. (*To the Witness*): Will you look at that big scene there. Do you see that represents boats overturned and boats in the water. Did you see anything like that?—After we were drifting about I saw a boat overturned, with one man clinging to the bottom.

1304. Is that the man *there*?—That is what I should take it to be.

1305. I want to know if you can tell me whether you saw a scene like that?—I saw boats pulling away with passengers.

1306. *The Commissioner*: That is not an answer to the question. Is that a picture of anything you saw?—Yes.

1307. *The Solicitor-General*: Did you also see a boat rowing away like that?—Yes.

The Solicitor-General: Now I should like your Lordship to see both those pictures (*the same were handed in*). These things have just been given to me, and it is obvious that they may be of some considerable assistance to your Lordship, but unfortunately the witness who actually took these photographs has gone away; he is on the West Coast.

The Commissioner: I do not think that matters if the witness is able to say that that is a picture which he saw.

(*The Witness withdrew.*)

D. J. RYDER, sworn.

Examined by MR. BRANSON.

1317. You are foreman of works on the Nigerian Railway?—And driver.

1318. Were you returning in the "Falaba" to your duty?—Yes.

1319. What was the first you saw of the submarine?—I saw the submarine on the starboard quarter, I should think about five miles away.

1320. Where were you?—On the promenade deck of the second class.

1321. Did you see her come towards you?—Yes.

1322. Did you notice anything distinctive about her—flags, or marks, or anything?—Not before she came about 300 or 500 yards away from us. Then I noticed her flying two signals. One was a pennant and the other a square flag. The pennant was above the square.

1323. Was that the only mark she had?—No, she threw up a light.

1324. What sort of light was it?—A whitey light, with a green tinge in it.

1325. And at this time you say she was about what distance away?—300 to 500 yards.

1326. Up to this time had you remained on the promenade deck?—Yes.

1327. Did you still remain there or what did you do?—She came up closer on our port quarter. Then she spoke, or a man spoke through a megaphone, but what they said I cannot say.

1328. You heard a hail?—Yes.

1329. How many were on the submarine—did you see?—I should say between four and five.

1330. Not having heard anything, did you still look at her?—No. I said to my son and Mr. Chiswell it was time to be doing something.

1331. Did you do something?—Yes; we went up on the boat deck, and we went to, I thought it was No. 1 lifeboat, but it is No. 2. When we got up there there was Mr. Chiswell, Mr. Primrose, my son and myself, and two or three sailors—they came. The boat was partly over the side of the liner, and with the assistance of those two or three sailors we pushed her out. One sailor got hold of the after tackle and we four went into the boat. The sailor shouted out the plug was not in and we went in to find the plug and when we went in down she went.

The Solicitor-General: I am obliged. I was going to add, we have the actual negatives in Court, if your Lordship thinks it is desirable that they should be used for further reproduction.

1308. *Mr. Butler Aspinall*: May I ask a few questions on the pictures? May I ask your Lordship to look at pages 8 and 9 and look at the pictures in their respective corners at the top. (*To the Witness*): Do you see those pictures there, No. 8 and No. 9?—Yes.

1309. First of all deal with No. 8.—I saw that.

1310. That, I assume, is the gig, is it not?—I could not say.

The Commissioner: Which is No. 8?

1311. *Mr. Butler Aspinall*: No. 8 is on the left hand of the page. (*To the Witness*): You do not know whether that is the gig?—I cannot say.

1312. Apparently the people in that have their lifebelts on?—I noticed that at the time.

1313. So much for picture on page 8. Looking at that on page 9, did you see anything like that take place, namely, passengers on the deck with their lifebelts on waiting to be taken away?—No.

1314. You would not say that that did not happen, only that you did not see it?—I did not see it.

1315. Do you know that amongst the passengers in No. 2 boat that were saved was a Mr. Ryder?—Yes.

The Commissioner: Who was he?

The Solicitor-General: He is foreman of works on the Nigerian Railway, and will be the next witness.

1316. *The Commissioner (to the Witness)*: Is there anything more you would like to say?—No.

1332. You say you pushed her out?—Yes, with the assistance of these sailors.

1333. Did you push her out or did someone turn a screw?—No, she was partly hung out; a trifle of her side was over the "Falaba," but her keel was clear.

1334. I am told that to get the davits out you have to do it with a screw?—But the biggest part of the boat was clear of the liner.

1335. What happened?—When we got into the boat down goes the stern of her and the stem was hung up by two blocks tight to the davit, and then our weight pulled out the ring-bolt in the stem of our boat.

1336. Then what happened?—This ring-bolt came out and our boat went under water and got partly filled. Then we shot right under the starboard quarter of the "Falaba." There was a rope thrown to me by one of the crew from the "Falaba" to catch hold to save some of the men that were let go in No. 8 boat—that was the gig, I think—I am not certain. It was not a lifeboat.

1337. That was on the starboard quarter?—Yes. I took a round turn round the thwart and a man on top dropped us away, and then he let go of the rope.

1338. Because it was too short?—Because it was too short. After that these men were swimming in the water and came alongside us; Mr. Primrose and my son pulled them as well as they possibly could into the boat.

1339. How many?—Twelve, and two black men among them. We were partly submerged then. We had about a foot freeboard then. After that we drifted away from the "Falaba."

1340. When you were launched you took in a lot of water?—Yes, I should say a foot to 18 inches.

1341. Then you would have more than a foot freeboard?—Yes, but we were making water all the time.

1342. It was not coming over the top?—No; through the bottom I should think. She had opened out somewhere.

1343. But you could not see?—I could not see.

1344. Did she have a blow when she fell?—No.

1345. When the ring-bolt gave out?—No, she slid right away into the water like a ship launched.

1346. What happened afterwards?—We drifted away.

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[Continued.]

1347. At the time you got round on to the starboard quarter did you see the submarine?—Yes, we passed her as we were launched down. She was lying I should say 50 to 60 yards from the liner, and as we shot by her they laughed and jeered at us. After we picked up these passengers our top sides came away from the gunwale. There was a rope in the boat and there was a little lashing round outside, running through rings, so I took the rope and reeved it through the rings or eye-bolts right round the gunwale of the boat to keep our top sides together so that the air tanks should not get out, and so keep us afloat.

1348. Did you leave the boat?—No, we stuck to the boat to the last. I might mention there was a lot of poles and paint pots and varnish pots in the boat. I must mention that.

1349. How long did you cling on to the boat?—I should say three hours to three and a-half hours.

Examined by MR. BATESON.

1358. Do you know whether Mr. Thomas, the carpenter, was in your boat?—He was; we pulled him in.

1359. When you put this rope round the boat, whereabouts did you put it?—I explained there are some ring-bolts outside with some lashings.

1360. I know all that, but was it at the end of the boat or the middle of the boat?—I reeved it from forward to aft on the gunwale.

1361. All along one side?—I did, and partly the other.

1362. You did not put it underneath the boat?—No.

Examined by MR. COTTER.

1367. What time was it you first saw the submarine?—I should say half-past eleven or twenty to twelve.

1368. Did you remain on the spot when you saw the submarine?—No; the first time I saw her was outside the second saloon messroom door.

1369. Was anyone with you?—Yes, my son. We borrowed a pair of opera glasses.

1370. Whom did you borrow them from?—From a passenger.

1371. How long did it take you to get them?—Not a minute. He was inside the door, playing cards.

1372. Where did you go to then?—Stood there for a minute or two.

1373. Where did you go to afterwards?—Walked back aft.

1374. Did you hear any orders given?—None whatever.

1375. Did you hear no steward or officer giving orders?—No, none whatever.

1376. Where did you go to from aft?—Walked on the port side and ran up over the iron ladder on to the boat-deck.

1377. Did you hear any orders then?—No, nothing whatever.

1378. What made you go to the boat deck?—Because I thought it was time to be doing something.

1379. Why?—When a submarine was up on your quarter and shouting through a megaphone it was time to do something.

1380. Did you know it was a German submarine?—Yes, I saw her ensign.

1381. Have you heard witnesses say they saw a British ensign?—I saw an eagle in the corner—a white flag with a black cross.

The Solicitor-General: No one says they saw the British ensign when the submarine was near.

1382. *Mr. Cotter:* Whom did you find on the boat deck?—I think it was three of the crew—three stewards, strangers to me.

1383. Did not you say a few minutes ago they were sailors?—I did not say sailors; I said three of the crew.

The Commissioner: The last witness said there were none of the crew there.

The Solicitor-General: He certainly said he did not see any.

1384. *Mr. Cotter (to the Witness):* Who else was there besides three of the crew?—Mr. Chiswell, Mr. Primrose, my son and myself.

1350. Then were you picked up?—Yes, by the "Orient the Second."

1351. When you were launching the boat, or when it fell into the water, was the "Falaba" stationary?—I should say so. She had stopped. Her engines were stopped.

1352. How would you describe the sea?—I should say there was a tidy sea running—a big wind wash.

1353. Did you see the submarine disappear—when did you lose sight of her?—Just as she put the torpedo in. All I saw was the explosion.

1354. But you told me you saw them jeering at you?—Yes, when our boat went down.

1355. Did she remain there any time?—I cannot say.

1356. You did not notice?—No, I was looking after myself and other people as far as I could.

1357. Is there anything else you want to say?—There is nothing else I want to say.

1363. There is a lifeline running along outside the boat?—Yes.

1364. Is that where you put this rope (*pointing*)? No; I put it through the little ring-bolts that hold the lifeline.

1365. And along one side?—Yes, one side and partly the other.

1366. Round the nose of the boat or the stern?—From the stern to forward all on one side. I could not tell, as we were submerged, which was the stern, and which the stem, but I know I started at one end and finished at the other.

1385. What did you do?—Assist to push off the boat from the side of the "Falaba." She was up against the side, as I have explained; we pushed her off, and one of the crew went to the after davit and got hold of the rope and made a turn round the cleat, but then he let it go.

1386. Did you hear any orders given?—No, we did not have any orders.

1387. Do you know anything about handling a boat?—I think I know a little bit.

1388. Swinging boats out?—I have never been on a liner swinging boats out.

1389. How do you know anything about it?—Because I have seen them doing it.

1390. You have never had any practical experience?—No.

1391. Do you not think it would be dangerous for passengers to handle boats?—We did not handle it ourselves. I said we had three of the crew.

1392. You heard the last witness, did you not?—Perhaps he did not see them. The man was too much worried, I expect.

1393. *The Commissioner:* But if they were there, how could he help seeing them?—I suppose he was worried. When I got into an accident I never worry—I keep my head—and I have had a good many.

1394. *Mr. Cotter:* Who ordered you into the boat?—No one. We went into the boat. I saw the man catching hold of the rope and I thought everything was all right, and if you had been there you would have done the same perhaps.

1395. Were there any other passengers on the deck?—I cannot say. We were looking after ourselves.

1396. That is candid?—Yes.

1397. Were any other boats swung out?—I cannot say.

1398. You could only see No. 2 boat and the three gentlemen with yourself?—Yes, that is all we troubled about.

1399. And the result was you got into the boat?—Yes.

1400. And she fell. Did you hear any order given to let the boat go?—No.

1401. So there was no one to blame except yourselves?—No, I shall not say that. There were some of the crew there, and a man had hold of the tackle on the after cleat.

1402. Here are you a passenger on board a ship?—Yes.

1403. And you think you are in danger of being sunk?—Yes.

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[Continued.]

1404. Do you think it right for four men to get into a boat and attempt to lower it away?—Yes, when there was some of the crew there.

1405. Crew or no crew, I ask you is it right?—There was no one else there with us except the four passengers and the crew. I never saw a passenger only us.

1406. Had you seen no passengers from the time you saw the submarine until you got into that boat?—Yes, I saw them about on the decks.

1407. And they were not worrying about boats?—They were making for boats I suppose to save their lives, the same as we were.

1408. Making for boats?—I daresay they were.

1409. Where—not on the boat deck at all?—I daresay they were, but I did not take notice.

1410. If they were making for boats, do you not think it was your duty as an Englishman to see that more people got into that boat before it was lowered?—No, it was not my duty as a man to get into the boat alone.

1411. You wanted to get away?—No, we did not want to get away; we wanted to help save others if we possibly could, and we did.

1412. But you saw no passengers on the deck. You four got into the boat?—I have said once before I saw other passengers. I do not forget what I remember.

1413. You got into the boat without being instructed?—Yes.

1414. Was that a proper thing to do?—There was one of the crew there. One of the crew had hold of the tackle on the cleat. He said the plug was not in. I says, "We will find the plug and put it in, you hang on to the tackle," which we did, and we got into the boat to find this plug and when we got in we were let down by the run.

1415. Who let you go by the run?—One of the crew; whether he was a steward, butcher, or what, I do not know.

1416. What time was it when this happened. Have you any idea?—Yes, just after 12.

1417. What do you mean by just after 12?—I cannot go into minutes because I did not have my watch on me.

1418. Would it be five minutes past?—It may be or a trifle more.

1419. You see, this is important because your contention is the boat went into the water and shot aft?—Yes.

1420. You also said you thought the ship was stopped?—Well, her propeller was not working.

1421. It does not always want the propeller to work?—We know that she might have a bit of way on her.

1422. Had she a bit of way on her?—I shall not say.

1423. Have you any idea who unfastened the other fall?—No, the only thing I know is the bolt was pulled out of the stem.

1424. There are two blocks, one was broken and the other would remain fastened until someone unfastened it?—The falls were not broken, nor the blocks. The tackles were all right. The ring-bolt was pulled out of the stem.

1425. Then there was another one left. Have you any idea who unfastened that?—When she shot down the ring-bolt unhooked itself. That is how it unhooked itself—the stern one did, and the other one broke (*describing*).

1426. Where was the submarine then?—About 50 yards off our port side.

1427. Where did you drift?—Back under the starboard quarter.

1428. Did you get the oars out to pull round there?—No, we drifted round.

1429. When did you see the submarine next?—After we picked up some of these men.

1430. How long would that be?—To put it at the extreme, six or seven minutes.

1431. What position would the submarine be in then?—I think she was on the port side of the ship.

1432. Did you hear the explosion?—Yes, and I saw the concussion of the torpedo throw the water right up into the air.

1433. What side of the ship was that on?—I did not know then. I was too busy about other men and lashing up the boat. I cannot say whether she was on the starboard or port side then.

1434. When did the boat you were in start to break up?—About five or six minutes after we were let down in the water.

1435. And then you took 10 people on board?—Yes, we dragged them in.

1436. Did you attempt to bale the water out?—Yes, with hats and caps.

1437. I understood you had some paint pots there?—Yes, we had some paint pots, but how could you find them in 18 inches of water and full of paint and that. What good were they to bale out water when they were full of paint.

Re-examined by the SOLICITOR-GENERAL.

1438. When the torpedo struck the "Falaba," was that at the moment when you were helping people out of the water?—That was when I was strapping the boat together.

1439. *The Commissioner*: Is there anything else you want to say?—Nothing else.

(*The Witness withdrew.*)

DAVID RYDER, SWORN.

Examined by the SOLICITOR-GENERAL.

1440. Are you a son of the last witness?—I am.

1441. Were you a passenger with him on the steamship "Falaba" when she was torpedoed?—I was.

1442. Did you see the submarine?—I did.

1443. How far away was she when you first saw her?—Five miles, I should think.

1444. I do not know whether you can speak definitely as to any signals she made, can you?—I cannot tell.

1445. When she got near, did you hear her hail the "Falaba" through a megaphone or by shouting?—I heard someone shout.

1446. Did you hear what they said?—I did not; I could not understand what they said.

1447. How long after that shout was it before the "Falaba" was struck by the torpedo?—Fifteen minutes I should think.

1448. Not more than that?—No.

1449. From the moment you heard the submarine hailing the "Falaba," what did you do?—We were all standing there.

1450. Where—on the boat's deck?—No, we climbed up a ladder to the top deck into No. 2 boat, and we no

sooner got into the boat than the stern part went away with a run, and we went straight into the water.

1451. When you got into boat No. 2, were there any members of the crew there?—Two or three stood up there.

1452. After you got into the water did anything happen to your boat?—Yes.

1453. What?—As soon as we got into the water we came up again, and when we came up we were up to water *here*, and we then drifted down towards the stern of the ship and the boat gradually began to fill with water.

1454. Did any part of the boat begin to break away?—Yes, nearly all of it. She was all smashed at the end. The sides and the bottom part gave way.

1455. Did you see your father try to tie the boat together with a cord?—I did.

1456. He passed it along through the rings on the outside?—Yes.

1457. Did he pass it right round the boat?—Nearly all round.

1458. And he tied it up?—Yes.

1459. Then you were floated, as I understand, by the air-tanks?—Yes, quite right.

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ROBERT PRIMROSE.

[Continued.]

1460. Did you see the torpedo fired from the submarine ?
—No, I did not.

1461. Did you see the torpedo strike the vessel ?—
Yes.

1462. After that did you see the submarine, and the crew of the submarine on her deck ?—Yes—all stood up there laughing and jeering at us.

1463. At that time were there people struggling in the water for their lives ?—There were.

1464. And I understand you helped to rescue some 8 or 10 ?—Yes—only helped, that is all.

1465. How near were you when you saw the crew of the submarine laughing at you in the water ?—About 50 yards off, I suppose.

1466. Are you quite clear that that is what happened ?—Yes, I am.

Examined by MR. BATESON.

1474. Which boat was it you think you went in ?—No. 2 lifeboat, port side.

1475. Who was in it when you got in it ? Were you the last to get into it ?—Yes, I was.

1476. The others were already in it ?—Yes.

1477. Including Mr. Chiswell—was he in it ?—Yes.

1478. Did you jump into it ?—No, I stepped into it easy.

1479. Was there any man at either of the falls ?—Yes.

1480. A sailor ?—Yes.

1481. One at each end ?—One only on the lower end. One man stood with a rope in his hand.

1482. Was there anybody else on the deck when you got in ?—Two more sailors besides.

1483. Where were they ?—They stood more in the middle of the ship.

1484. Nothing to do with the boat ?—They helped us at the start to push it out.

1485. But you cannot push these boats out, can you ?—Certainly you can.

1486. How did you push her out ?—The davits are *here*, like *this* (*describing*), the boat is *here*, and if you push her a little bit one davit goes one way and the other the other way, and you can lower the boat then.

Mr. Bateson : I know that is so with the old-fashioned davit ; but you cannot do that with a Welin's davit, can you ?

1467. *The Commissioner* : You could speak to them ?—Yes, we were near enough, but I could not speak the language.

1468. What language did they use when speaking through the megaphone ?—I suppose it was English, my Lord.

1469. Were the rings through which the rope was passed all in their places ?—Yes, they were.

1470. There was no difficulty in passing the rope through them ?—No, none at all.

1471. Then the timbers of the boat were all in position at that time ?—Yes, they were at that time.

1472. *The Solicitor-General* : Had any part of the timber broken and drifted away before your father ran the rope through these rings ?—No, I do not think so.

1473. Is that all you have to say about the matter ?—Yes, that is all I have to say.

The Commissioner : Have you a model of this davit ?

1487. Mr. Bateson : Yes, my Lord. (*To the Witness*) : However, that is what you say you did ?—Yes.

1488. Who did it ?—We, with the help of the crew.

1489. Were the three other passengers helping ?—Yes.

1490. All helped to push her out ?—Yes.

1491. That was seven of you ?—Yes, seven of us.

1492. And you were the last to get into the boat ?—I was.

1493. Did it fall into the water as soon as you got into it ?—No sooner did I step in than away it went.

1494. Will you show us on this model what you did ?—The boat was almost clear of the ship, like *this* (*describing*).

1495. Now let me see you push it out ?—I cannot move the davits.

1496. But you told us you pushed the boat out and the davits swung out ?—No.

The Commissioner : I understood him to say he pushed the boat out. (*To the Witness*) : You pushed the boat out with your hands ?

1497. Mr. Bateson : And you think the davits went out like *this* ?—Yes.

1498. That is your recollection ?—Yes.

1499. If you find these davits do not turn out like that, either the davits were different or your recollection is wrong ?—No ; I think they turn outwards.

1500. And you think so still ?—Yes, I do.

Examined by MR. COTTER.

1501. Did you hear any orders given when you were going up to the boat deck ?—None at all.

1502. Who told you to go to the boat deck ?—My father did.

1503. Did you see any passengers on the way up ?—They were all stood up.

1504. On the boat deck ?—No.

1505. Where ?—Some *here*, in heaps, and some *there*, in heaps.

1506. On the promenade deck, or the main deck, or where ?—On the promenade deck.

1507. Was there any panic ?—None at all.

1508. Any excitement ?—None at all.

1509. Did you see any of the crew giving out lifebelts ?—No.

1510. So that there seemed to be nothing to fear at all ?—I do not know about that.

1511. Did you go and get a lifebelt ?—No, I had nothing on at all.

1512. If there had been anything to fear you would have got a lifebelt, would you not ?—There was no time for that at all.

1513. There was no time ?—No.

1514. But the submarine had not fired the torpedo ?—No, we were all stood there looking at the thing.

The Commissioner : It was 50 yards away, you know, and in very unpleasant proximity.

1515. Mr. Cotter : That is so, my Lord. But at the same time we find only these four people came to the boat deck. (*To the Witness*) : You went and got into this boat ?—Yes.

1516. With the result that the boat carried away ?—Yes.

1517. You took your father's orders ?—Yes, only I thought of it as well as he did.

1518. You received no orders from an officer ?—No.

1519. Did any of the crew tell you to get into the boat ?—No.

1520. You did it on your own ?—We did it on our own.

1521. Mr. Ronald McDonald : When you first saw the submarine, in what direction was the "Falaba" going—in the direction of the submarine ?—No, away from it altogether.

(The Witness withdrew.)

ROBERT PRIMROSE SWORN.

Examined by MR. BRANSON.

1522. Are you in the employ of the Nigerian Railway Company ?—Yes.

1523. What are you ?—A locomotive fitter.

1524. And you were outward bound on the "Falaba" to resume your duties ?—Yes.

1525. We have been told that the last three witnesses and yourself went into No. 2 boat ?—Yes.

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ROBERT PRIMROSE.

[Continued.]

1526. Who got into the boat first, do you remember?—I believe it was Mr. Ryder, senior.

1527. At that time how many men, whether passengers or crew, were near the boat?—There may have been two or three. I cannot be definite.

1528. Two or three of what?—Of the crew.

1529. Were they together or separate?—Separate. One was at one end and the others up a little further towards the stem of the boat.

1530. That was when you got into the boat?—That was when we got into the boat.

1531. You four got in?—Yes.

1532. Could you see what the crew were doing?—The two that were standing at one end of the boat were apparently doing nothing at all.

1533. They were on the ship?—Yes. They were looking towards the submarine.

1534. Having got into the boat, what happened?—We got into the boat and someone said "Look for the plug." We started to look, but could not find it, but found it afterwards. The next thing I heard was, "Hold on," and the boat fell with a run at one end.

1535. Who shouted "Hold on"?—Mr. Ryder.

1536. Was he in the boat then?—He was in the boat then.

1537. You held on, I suppose?—Yes.

1538. What happened?—The boat hung on the davits one end for about two or three seconds, and then something happened, I do not know what, but the other end of the boat gave way, and we reached the water.

1539. Did you take any water in?—Some.

1540. Then you had some water in the boat?—Yes.

1541. What happened?—We started to look after the plug, and then evidently some one found it, but we did not know the position of the hole. Mr. Ryder suggested where it was, and we found the hole, but then the plug would not fit the hole.

1542. Was the water coming in?—Yes, through the seams and through the plug hole.

1543. Meanwhile, what was the boat doing—remaining stationary or drifting?—Drifting.

1544. And gradually getting lower in the water?—Yes.

1545. No. 2 we know was on the port side. Did you get round to the other side?—Yes.

1546. Astern of the steamer?—Yes.

1547. When you got astern of the steamer, did you see the submarine?—Quite plainly.

1548. Did you see the torpedo fired?—I did not see the torpedo fired, but I saw the explosion.

1549. Where was your boat when it was fired?—About 50 yards away on the starboard side—abeam of the "Falaba." That was after we were in the water.

1550. How close did you pass the submarine?—I should say about 20 yards probably.

1551. Did you see the torpedo go through the water?—I did not see the mark of it. I was in the boat or what was left of it.

1552. What was left of it?—The sides started to give way from the gunwale, one side was totally submerged and the other side was filling fast; only one side remained a little bit out of the water at the time.

1553. Did you notice the people on the submarine at all?—Yes, I saw them quite plainly.

1554. Did you see them doing anything?—I did not see them jeering at anybody in the water at that time, but when the "Falaba" heeled over I could see one or two men clinging on to the rail at the high side of the vessel, and it was then I heard the Germans shouting and pointing excitedly to these men as they fell off.

1555. Did you hear any hail from the submarine at any time?—Yes.

1556. What hail did you hear?—I heard through a megaphone "Take to your boats. We are going to sink your ship."

1557. When did you hear that?—Before I left the well deck, to go to the boat deck.

1558. How long after you heard that was it do you think the torpedo was fired?—I should say about five minutes; it might have been more.

1559. Can you help us with regard to any other boat; did you see any other boat lowered?—I saw another boat fall off the davits when the torpedo struck the ship. I took it to be No. 4 boat.

1560. On which side was it?—On the starboard side.

1561. *The Commissioner*: No. 4 boat is on the port side.—Then it is No. 3. I mistook the side.

1562. *Mr. Branson*: Anyway, you saw a boat on the starboard side which you think was No. 3?—Yes.

1563. What happened to that?—She was full of passengers and apparently being lowered successfully, and when the torpedo struck the ship something seemed to go wrong, just as if the ring-bolt had come out and the boat was precipitated in the water and turned bottom upwards.

1564. Did that follow the explosion?—That followed the explosion.

1565. Did you notice the boat further aft at all?—No.

1566. The one you saw affected by the explosion was further forward?—Further forward, about amidships.

1567. We have had some evidence that it was No. 5 boat. Are you sure it was No. 3 or No. 5. Look at the position on the plan. Was it the most forward boat you could see at that time?—It was the only boat on that side at the time.

Examined by Mr. BUTLER ASPINALL.

1568. Did you hear any orders given on the "Falaba" to take to the boats?—I heard no orders.

1569. When you got up on the boat deck, did you see any passengers?—Yes.

1570. Many?—About half a dozen, possibly, grouped—standing alongside another boat. They were evidently waiting to get into it.

1571. There were 4 of you and 6 others—that would make 10?—Yes.

1572. You saw no other passengers?—I saw no other passengers.

1573. Presumably they had gone into the boats?—I expect so.

1574. And presumably because someone had told them to do so?—I do not know about that.

1575. Were you the last to step into No. 2 boat?—No.

1576. When did you step in?—I would be third, I should say.

1577. And there were four of you?—Yes.

1578. Was young Mr. Ryder the last to get in?—He was.

1579. Have you any suggestion to offer as to why the boat fell in the way it did?—Yes.

1580. What?—I believe it was lowered at one end by one of the crew. I saw him standing there at the falls and just as young Mr. Ryder stepped into the boat we felt her going and someone shouted, "Hold on," and we held on and she remained hanging by the bow.

1581. Your suggestion is that the seaman bungled—that he made a mistake. That is your view?—Yes, I suggest probably the boat was too heavy for him to hold on. He had not a proper grip of the belaying pin. The young man I saw holding the boat was not much more than a boy.

1582. You think he was not strong enough for the job?—He was not strong enough for the job.

Examined by Mr. COTTER.

1583. Were there one or two seamen at the falls?—There was one at the falls and two seamen standing a little further forward.

1584. Who was handling the falls of your boat; one or two men?—One.

1585. Did you notice whether the other fall was fastened round?—Yes, it was.

1586. How can you account for the fact that the boat came down?—The boat came down on one end.

1587. When the boat collapsed how far were you down

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LIEUT.-COMMANDER HEATHCOTE, R.N.

[Continued.]

the side?—We were right up at the davits, almost—within a few inches.

1588. So that when the pin broke that released you, you fell from the davits into the water?—Right from the davits into the water.

1588. How did you land in the water?—End on. About two-thirds of the boat was submerged, and when she came up again she drifted round the stern.

1590. What kind of weather was it?—Pretty choppy—a heavy sea on—a swell.

1591. Was the wind blowing?—Slightly.

1592. Was there any water coming over the top of the boat?—Not at this time.

1593. How far were you submerged?—At this time the boat was about half full.

1594. How much free board did you have in the boat?—I could not say. I do not know the height of the boat.

1595. How much space was left in the boat?—I should say 12 or 13 inches.

1596. And there was a choppy sea running?—There was a choppy sea running.

1597. And no water was coming over the top?—No; we were bow on to the sea. She was riding sluggishly, and it was afterwards the water came in.

1598. Had you drifted round the stern then?—Yes.

1599. Did you catch the side of the ship?—No.

1600. Did you drift away from the ship?—Yes.

1601. Was there any way on the ship?—I could not say. The engines were stopped, but I could not say whether she had any way on.

(The Witness withdrew.)

LIEUT.-COMMANDER HEATHCOTE, R.N., sworn.

Examined by the SOLICITOR-GENERAL.

1602. I believe you are a Lieutenant in the Royal Navy?—Yes.

1603. And Assistant District Commissioner at the Gold Coast?—Yes.

1604. Were you proceeding to take up your duties at the Gold Coast by the steamship "Falaba" when she was sunk on the 28th March?—Yes.

1605. How long before she was sunk did you see the submarine?—About half-an-hour, I should think.

1606. Did you ever see whether she was flying any signal?—She had a signal flying.

1607. What was it?—I believe it was a signal to heave to. It was a three-flag signal, International Code.

1608. After that did she make any further signal?—I did not see any.

1609. Did you see any light thrown up?—No.

1610. Did the submarine gain pretty quickly on the "Falaba"?—I did not see her until she was nearly up to the ship. She was then steaming quickly.

1611. Shortly after you saw her, were the "Falaba's" engines stopped?—Yes.

1612. Did the "Falaba" herself come completely to rest before she was torpedoed, or was there some way on her?—I should say she had stopped completely going through the water.

1613. What was the wind?—There was a light breeze and a swell. The wind was across the swell.

1614. What was the direction of the wind?—Roughly, from the north-east, I should think, and the swell would be from the south-west.

1615. When the "Falaba" stopped, what did you do?—I was in my cabin and was awakened by one of the other passengers. I went out and saw the submarine, and went back and got a lifebelt and gave one to my cabin companion.

1616. Then did you come up on deck?—Yes.

1617. Which deck did you come on to?—My cabin was on the promenade deck, and I came out on to the deck there.

1618. Did you see any of the boats that were launched?—I went up to the boat deck on the starboard side and saw the three starboard boats, 5, 3, and 1.

1619. Let me take No. 1; what happened to that?—The after fall was let go when there were people in it. The boat swung vertically and the foremost fall parted, and then the boat fell into the water, having thrown all the people out.

1620. Could you see whether the fall was let go in consequence of passengers jumping into it from the passenger deck?—My impression was that they started to lower it and had not sufficient turns on, and the rope must have rushed out of the man's hands.

1621. You were on the boat deck when the boat came away—the passenger deck. Did you see any passengers get in?—No, I do not think it had got far. They had only just started the falls.

1622. And it rushed out of his hands, you think?—Yes.

1623. And it was filled with people?—Yes.

1624. Who were all capsized?—Yes.

1625. With regard to No. 3, what happened?—No. 3 was lowered and got away all right with people; but there were a large number of Native firemen in that boat. There was a Sergeant, one of the passengers, trying to stop them rushing the boat—not with much success.

1626. There was no attempt to rush the boats on the part of any of the English people?—No. It struck me that the Native firemen were trying to rush it.

1627. But there was nothing serious, and it was stopped?—Yes.

1628. Then as to No. 5?—That started lowering, and I went down and got to the bow of No. 5, but she was partially water-borne, and as the swell came up and took the weight of the boat, the after fall jammed and could not be moved. I called out for them to hold on with the foremost fall, but they took no notice and lowered the bow so that the sea filled the boat and washed everybody out.

1629. One or two witnesses have said that at the moment that that boat was lowered the torpedo struck the "Falaba"?—That is wrong, because I held on to the lifeline and hung on to it until the boat was either broken away or people had swum away clear, and then I dropped into the water and got a small cask, and tried to swim away. I drifted away, and that is what makes me think the "Falaba" had sternway on, because I went ahead of the ship, and I had been in the water some time before the torpedo was fired.

1630. Did you see it fired?—I saw the explosion when it hit the ship and I felt two distinct shocks, from the explosion of the torpedo and, I imagine, from the ammunition afterwards.

1631. How many boats in all did you see come to grief?—Two—5 and 1. I saw No. 8 hoisted out before the torpedo was fired, but she was not there after the spray had come down, as the result of the firing.

1632. How were you picked up?—The "Eileen Lanna" picked me up eventually.

1633. Then you were about on your cask a long while?—Well, I had given that up, because it was filled with water. I had a lifebelt and one or two oars.

1634. Did you see any boats waterlogged as well as these boats which were capsized?—There was one which appeared to be waterlogged after the "Falaba" had gone down.

1635. Are you in a position to say from your own examination and knowledge as to the seaworthy condition of these lifeboats?—I did not look at them. I did not inspect them as I was only a passenger, but from what I know of liners' boats I do not think they are lowered into the water except when the Board of Trade have to examine them and then they are only just lowered and hoisted up again, when really they ought to have been left in the water to soak 24 hours at least, once in every two or three months, so as to keep the wood swollen.

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SECOND-LIEUTENANT C. W. H. PARKER.

[Continued.]

Examined by MR. BUTLER ASPINALL.

1636. From what you know of liners' boats, you think they are only put into the water when the Board of Trade official comes?—So I believe to the best of my knowledge.

1637. And therefore you draw an adverse conclusion with regard to these boats?—Well, they are not used for any other purpose except for taking passengers off when the ship is in danger.

1638. *The Commissioner*: I thought some of them were used as surf boats?—They have surf boats, but the surf boats that are used on the coast come from the shore to the ship.

1639. I was told that some of these very boats were used as surf boats?—They are surf boats, but I do not think they are used.

1640. Are they not used between the ship and the shore?—No. The boats between the ship and the shore come from the shore, they are surf boats of similar build.

1641. They are similar to these lifeboats are they?—Yes.

1642. Do the surf boats they use out there belong to the Elder Dempster Line?—I believe they are agents to the Boating Company out there.

1643. *Mr. Butler Aspinall*: With regard to No. 1 boat, the one you first told us about, you said quite fairly your impression was that the fall was let go?—I would not call it "let go." It was taken out of the man's hand by the weight of the boat and the passengers in it; there were not sufficient people backing the rope up.

1644. I suppose it would not be easy for you being on the boat deck to say whether or not passengers did jump from the deck immediately below and filled the boat?—I do not think the boat was low enough for them to do it.

1645. Of course, if that is right, that would be an answer to my question?—Yes, otherwise if she had been in a line with the promenade deck I should not have seen it.

1646. You would not have seen the incident if the boat had been as low as that?—No.

1647. You said some of the firemen tried to rush No. 3 boat?—Yes.

1648. But they were properly dealt with?—Some of them got into the boat, but most of them kept back.

1649. And No. 3 boat was successfully launched and saved alive?—She got away into the water all right.

1650. With regard to No. 5, I think you told us the cause of that trouble was the after fall jammed?—Yes.

1651. Might that be an accident or do you think that was due to negligence?—I should say negligence.

1652. Negligence on the part of whom?—The person who was lowering, because he should see that the rope was clear and could run free.

1653. I do not suggest for a moment you were frightened, but I suppose at this time the submarine had informed you: "Clear out or I am going to fire into you"?—I do not know what had been said at all.

1654. You did not hear that?—No.

Examined by MR. RONALD McDONALD.

1655. How far was the submarine off when you first saw her?—About half-a-mile, I should think.

1656. Was the "Falaba" trying to escape?—I could not say.

1657. What was her pace relatively to that of the submarine at the time?—Very much slower.

1658. Can you give me any idea of the pace she was going?—I believe their usual speed is about 12 or 13 knots an hour, and I suppose she would be going that. I do not know.

(The Witness withdrew.)

SECOND-LIEUTENANT C. W. H. PARKER, SWORN.

Examined by MR. BRANSON.

1659. Were you a passenger on the "Falaba"?—Yes.

1660. What was the first you saw of the submarine?—I was sitting in the smoke room and someone said there was a submarine, and I saw her about two miles behind the "Falaba."

1661. When you saw her first had she any signals or flags up?—No, not that I could see.

1662. Did you watch her?—I watched her through glasses.

1663. Did she hoist any signal as she approached?—She had some flags up.

1664. Do you know what they were?—No, I could not read them.

1665. Did you hear any hail from her?—No.

1666. Did you get any orders on the "Falaba" from anybody?—The only order I heard was after the "Falaba" stopped, and I heard a voice from the passage by the smoke room: "All hands on deck."

1667. And you were at the time, I understand, on deck?—I was on the saloon deck.

1668. After that order what did you do?—I went downstairs to my cabin and got a lifebelt.

1669. Did you put it on?—Yes.

1670. Then you came up on deck?—Yes, I went straight up on to the boat deck.

1671. When you got to the boat deck, where did you go to?—I stood just about the middle of the boat on a level with No. 3 boat. I saw No. 1 boat lowered.

1672. Will you describe what you saw?—It was on a level with the boat deck, and I was watching it, and suddenly there was a roar of ropes running and the boat simply went down into the sea.

1673. You heard a roar like a rope running through a block?—Yes.

1674. When you heard that had the boat descended below the level of the boat deck?—No; it was on a level with the boat deck.

1675. Did the roar make you look to see what it was?—Yes.

1676. Could you see which end of the boat was going down?—It seemed to me to go by the bow first.

1677. Then did she fall into the water?—Yes.

1678. What happened when she fell into the water?—She capsized.

1679. And the people were all thrown out?—Yes.

1680. Can you give us an estimate of how many people were in that boat?—No.

1681. Having seen that, what was the next thing you did?—I went across and stood opposite No. 6 boat.

1682. Were people getting in when you got there?—People were getting into No. 4 boat. There was a ship's officer at No. 4, which was being lowered, and he came up to us and said, "Stand by No. 6 and let as many as can get in her."

1683. Did you know which officer it was?—No.

1684. Did you get in?—I got in; yes.

1685. How many got into that boat?—About 40.

1686. Was that lowered away all right?—After we got to the level of the saloon deck in that boat, the officer who was lowering at one end went away and handed it over to a passenger; and at the other end there was another passenger lowering, and he had to get out of the boat in order to lower it. We were lowered by two passengers, and at times one end of the boat was a good deal higher than the other.

1687. Did the passenger who lowered come down the falls into the boat?—No.

1688. What did you do, having got to the water?—We tried to get the oars out, but it was too crowded and

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LIEUTENANT GRANT.

[Continued.]

we dashed against the "Falaba"; and also on No. 4 they pushed their boat off against us and pushed us against the "Falaba."

1689. Was it the swell which caused you to collide or what was it?—No. 4 was drifting with the wind towards the forward part of the "Falaba," and as we came down she got near where we hit the water.

1690. Were they rowing in No. 4?—They had just got the oars out.

1691. The boats cleared?—Yes.

1692. Then what happened?—We managed to get one oar out and pushed off from the "Falaba." We then got two more out. There were only three in the boat. And then I heard someone say, "My God! there is no plug in this boat," and someone said "Stuff your handkerchief in." By that time the water was up to our shins.

1693. Did someone stick in a handkerchief?—Yes, but it did not seem much good. Then we found a bucket, but we could not get the free use of it. On the starboard side we had two oars: on the port side we only had one, and we could not keep the head of the boat to the sea at all.

1694. Did any seas come aboard?—Yes.

Examined by Mr. COTTER.

1705. When you got on the boat deck did you notice whether No. 2 boat had left?—No. 2 boat was broken up in the water.

1706. *The Commissioner*: What had happened to No. 2 boat?—It had gone. There was a boat broken up.

1707. Do you mean to say it was in pieces?—It was capsized and the top part was floating about in the sea separated from the frame of the boat.

1708. *Mr. Cotter*: Can you give any idea of the approximate time it was when you got on to the boat deck?—By ship's time I should say it was between 5 and 15 minutes past 12.

(*The Witness withdrew.*)

LIEUTENANT GRANT. SWORN.

Examined by the SOLICITOR-GENERAL.

1715. Are you a Lieutenant in the West African Field Force?—Yes.

1716. I believe you were in the hairdressing saloon on the "Falaba" when you first heard there was a submarine after her?—Yes.

1717. Then did you go on deck?—Yes, I went on deck.

1718. And saw the submarine pursuing the "Falaba"?—Yes.

1719. When you first saw her, how far was she away?—About 500 yards, I should think.

1720. Did you go down and get a lifebelt?—No, I went down and got a camera and returned on deck, and thinking it was not much good taking any photographs I went down again and put a lifebelt on.

1721. When you came up with your lifebelt and you knew that the "Falaba" was going to be torpedoed, where did you go?—I went to No. 1 boat on the starboard side.

1722. What happened; what did you do?—I saw an officer walking about asking people to get into the boat. I did not see anyone there, so I got in. Then a lot of people ran up a ladder at the back of No. 1 and when they saw me in the boat they got in too, about 12 or 14 of them. As soon as they got in an officer who had hold of the after rope was attracted, and I was attracted, by a commotion going on at No. 6 boat, and there was also someone on the bridge shouting through the megaphone. Then the officer let go of the rope and as soon as he let go our stern fell and we fell into the water. I see it was stated that someone jumped in from the promenade deck, but no one got in at all. I do not know what happened then, but apparently the forward tackle went wrong or some part of the boat gave way and we went stern first into the water.

1695. Was she broadside on when the seas came over?—Sometimes. When we tried to change the oars we got broadside on and shipped a tremendous lot of water, and we sank about five minutes afterwards.

1696. Then you were all thrown into the water?—Yes.

1697. When you were thrown into the water was your boat on the port side or clear?—She was almost straight ahead of where the "Falaba" would have been, but she had gone down.

1698. When your boat sank could you see the submarine?—No, not at that moment.

1699. At that moment had the torpedo been fired?—Yes, and the submarine had gone.

1700. Then you did not see the submarine after leaving the ship. After you got into No. 6 boat did you see the submarine?—As we were being lowered, the submarine went round to the starboard side.

1701. And you lost sight of her?—We lost sight of her.

1702. Did you see her again?—I saw her going away.

1703. How were you picked up?—I was picked up by the drifter "Wenlock."

1704. How long after you had been in the water?—As far as I can judge, about an hour and a-half.

1709. And No. 2 had gone then?—No. 2 had gone then.

1710. Were there many passengers on deck when you got there?—No.

1711. Did you notice whether any of the other boats had gone then?—After No. 4 went we were the only boat left, as far as I could see.

1712. Do you think No. 6 was the last boat?—No. 6 was the last, and got away all right.

1713. You say you were dashed against the side of the ship?—Yes.

1714. Did that do any injury to the boat?—I do not think so.

1723. I think the other witnesses have said you went down bow first?—I happen to know, because the ship's carpenter was in front of me and I remember distinctly we went down stern first.

1724. You know there is not very much difference between the shape of the bow and the stern in a boat like this?—I should like to say there was no tackle on the boat like that on the model.

1725. *The Commissioner*: Do you mean to say the boat was not hanging from davits?—When we got into the boat first we had to take the boom out and we had to lift a big thing overhead over which they stretch the tarpaulin.

The Commissioner: I do not understand this. What is it you are suggesting.

The Solicitor-General: I think the witness has got a little confused with the model and he thinks it represents the scheme for lowering the boat. It is simply the method for pushing her out, the lowering is totally different altogether.

Witness: I know there is some method of lowering a boat by turning a handle.

1726. But that was not so on this ship?—No.

1727. At any rate your boat struck the sea either stern first or stem first?—Yes.

1728. And you were thrown out were you?—No, I remained in.

1729. What happened to the boat?—We drifted to the stern of the ship and I saw another boat with two people, one of them with an oar in his hand, and I swam for it. A nigger hauled me in.

1730. And you stayed in that boat did you till you were rescued?—No, the boat drifted away then. We managed to get out another oar. The main oars were lashed together, and although we tried to get them out, we could

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[Continued.]

not. We therefore only had two oars, one on each side. Then the tanks floated out of the boat and the bottom gave out, and Mr. Ryder suggested seizing these tanks and pushing them under the seat, which fortunately was done. We rowed then for quite a long time, and the ship was torpedoed. We had to hold the sides of the boat up by the life lines round the boat, but they eventually broke because the sea was getting rougher every minute. Then Mr. Ryder suggested putting a big rope through the rings on the side, and after a considerable amount of difficulty that was done.

1731. How many boats did you see capsized or go to pieces?—I saw one boat launched properly that went to pieces in the water. I do not know who was in it: and the boat I was in myself went to pieces. Then there was a boat not swamped, but eventually went to pieces.

1732. One you saw was lowered quite safely and quite properly, but it went to pieces when it got into the water?—Yes.

Examined by MR. BUTLER ASPINALL.

1740. With regard to the boat that you saw safely launched and which fell to pieces, you do not even know the side of the ship on which that happened, do you?—Well, you see, it is very difficult to say. The whole impression that I have is that the whole affair took place on the port side, but I understand it was on the starboard side that there was a certain amount of drifting round about the boat going on.

1741. But this incident that you saw, I suppose others could see?—I got away in the first boat, and other boats were lowered after I left the boat.

1742. But there would be nothing to prevent others seeing the accident to this boat which, after being safely lowered and getting safely away, fell to bits?—No, I do not see what should prevent their seeing it.

1743. But you can tell us whether or not that is what happened with regard to No. 1 and No. 2 boats?—Yes.

1744. You tried to get away in No. 1, and unfortunately you had this mishap. Do you blame any one, and, if so, whom, for the accident to boat No. 1?—Yes, the officer in charge of the after falls.

1745. Who was the officer in charge of the after falls?—I do not know who he was. He was a ship's officer.

1746. He was ship's officer?—Yes, a ship's officer.

Mr. Butler Aspinall: Is Mr. Baxter, the chief officer, in the room.

(Mr. Baxter stood up.)

1747. Mr. Butler Aspinall (to the Witness): Is that the officer?—I could not say at all. I have seen Mr. Baxter several times, but I could not say whether it was him or not.

1748. You have seen him?—I have seen him several times since the Court has been sitting.

1749. Then you know Mr. Baxter?—Yes, but I was not looking out for the purpose of taking a mental impression of his face at that time.

1750. At any rate, was he an officer?—Yes, he was.

Examined by MR. HOLMES.

1761. You told us that the attention of the officer was attracted, and that he was called away by something happening on the bridge?—Yes.

1762. What was it?—It was not from the bridge; he was speaking through the megaphone. I heard him say, as a matter of fact, "lower away those boats," but really what attracted the officer's attention I think was a slight commotion taking place round No. 6, and a lot of passengers running up on deck.

Examined by MR. JOSEPH COTTER.

1765. What time was it when you went up on deck?—Somewhere about mid-day: I have no idea of the exact time.

1766. Did you notice whether any of the other boats had gone?—No, I think they had not. I think No. 1 was the first that was launched; I think I went in the first boat.

1733. What boat was that?—I have not the faintest idea. I am not quite clear on which side the vessel was torpedoed, because I was under the impression that the list was to port.

1734. There is not the least doubt she was torpedoed on the starboard side?—Then I cannot say quite which boat it would be. It might be No. 3 or No. 8.

1735. Did you see her actually lowered?—Yes.

1736. With people in it?—Full of people.

1737. And no misadventure in the course of lowering, but she went to bits when she got into the water?—Yes, but I was some distance away from her. She might have knocked up against the ship's side, but she did not appear to do so.

1738. Was there any difficulty in getting lifebelts?—No. I saw none, except that one lifebelt had no tapes on it.

1739. But you found no difficulty in getting one which had strings?—No.

1751. Mr. Baxter has told us he was the officer there?—Then it is all right. I am telling you that when they let go there was an officer in charge. The officer was attracted by something going on on the bridge, and he looked up and let go the rope and ran forward.

1752. So that, if he was an officer who knew his business, he did as stupid a thing as a man could do?—Presumably.

1753. It meant obvious disaster, did it not?—It did.

1754. So much for No. 1 boat. Then you were picked up, were you not, and taken into No. 2 boat?—Yes, apparently it was No. 2.

1755. It must have been, simply because you spoke about finding Mr. Ryder there?—Yes.

1756. And Mr. Ryder has given evidence here that he was one of the men in the boat—father and son; there were two Mr. Ryders. Now, after you had got into No. 1 boat do I understand you to say that she was being rowed?—Yes; one man had an oar and then there were several passengers pulling one, and we managed to get along all off, and she was floating loose, and Mr. Lacon, who, as a matter of fact, has gone back to Africa, was rowing and I was helping him.

1757. Was she being rowed for three hours and a-half before you were picked up?—I do not know; we were holding her together; we were simply trying to get away from the wreck because we had all heard that there was ammunition on board. We gave up rowing after the ship was torpedoed and we thought we had better get away as soon as possible.

1758. Will you tell me for how long you think you were rowing before you gave up rowing?—It is difficult to say. A good, long time, about a quarter of an hour or so I should think.

1759. How far away do you think you were from the "Falaba" when you gave up rowing?—Several hundred yards.

1760. The Commissioner: You were anxious to get away from the "Falaba"?—Yes.

1763. You heard the order "lower away those boats" coming from the bridge. Was the captain on the bridge at that time?—I do not know. There were two men on the bridge at that time, but they were too far away for me to see.

1764. Officers?—I do not know; they were too far away for me to see.

1767. How long had you left the ship when you found No. 2?—I should think as long as it takes to drift, perhaps a matter of five minutes at the outside. I think we drifted, and the moment we got round to the stern we saw the other boat.

1768. Did you drift to the port side?—Yes, just astern; I am under the impression it was the port side.

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[Continued.]

1769. You have heard the evidence?—Yes, but it is very difficult to know exactly which side of the vessel we were on after we got away from the boat. I cannot say exactly.

1770. When you drifted astern, tell us what happened?—I do not know what happened, because the "Falaba" had no way on her, and she appeared to me to be turning in a circle.

1771. Did you go alongside with your boat?—No, we had to swim to the boat.

1772. You jumped out of No. 1 and went to No. 2?—Yes.

1773. Can you give us any idea of the time when you got on board No. 2?—I should think it was fully 10 minutes before I was actually on board.

1774. What condition was she in?—She was riding about 2 feet or 18 inches out of the water, and there were about 18 inches of water in her.

1775. About 2 feet of freeboard?—And then very soon after I got into her she got flush with the water.

1776. When you got into the boat did you go through the bottom?—No.

1777. How long afterwards did the bottom fall out?—After I had been in the boat two or three minutes as far as I could judge; it is very difficult to give the exact time.

1778. How many people went out of boat No. 1 into boat No. 2?—I saw one man going ahead of me, and I do not know how many followed after.

1779. How long after you got into No. 2 boat did you pick up the remainder?—I do not quite follow you.

1780. You heard the last witness say that they picked up 10 people. I take it you are speaking of two others, two out of the 10?—Yes.

1781. There were eight others?—Yes.

1782. How long after you got into No. 2 boat was it before that you picked up the other eight?—I could not tell you, because I was suffering from a bit of a shock, and I was knocked about a bit. I was resting on my oar a bit just to take a fresh start, and I did not look to see what was going on. I did not think I was called upon to do anything at the time, and I thought the best thing was to wait and take a bit of rest.

1783. And you drifted about for 3½ hours in that boat?—I cannot say how long it was. It was a long time, but I do not know how long it was.

1784. There were 10 people in it, and it kept afloat?—No we had to hold on to the wreckage together, and I know I had to hold on at the middle part of the boat.

1785. Will you really just describe what you did to the Court?—There was a piece of rope that had been passed through different rings from somewhere where Mr. Ryder was sitting in the stern of the boat, and Mr. Primrose was there, too, and we were very keen on doing it, and we were both trying to get it in, and eventually we got it in, and then it meant holding the bottom of the side of the boat hard against the gunwale of the boat. It meant holding this side of the boat up against the gunwale (*explaining on the model*) and I was standing *here*, and I had to hold tight because there was only that much of rope (*describing*). If there had been enough rope I could have lashed it to something. There were the air tanks underneath the seats; we got them jammed underneath *there* (*pointing to the model*) and there was no bottom to the boat at all; the passengers were sitting on the seats, which held together I do not know how, and we were all holding on

to the rope, and some of them were holding on to lifelines, and others were holding on to bits of rope, and I know I had hold of this thick bit of rope. The consequence was that it was nothing but a bit of wreckage; you could not do anything with it.

1786. *The Commissioner*: Can you show me where the hole was?—I did not see any hole.

1787. Then how did you know there was a hole?—There was no bottom to the boat.

1788. Had the keel gone?—All the boards had floated out.

1789. I asked you had the keel gone?—Yes.

1790. There was no keel?—No, simply the sides of the boat.

1791. Just give me an idea how many planks there were at the side of the boat, how far down did they extend?—I should think about two or three feet, perhaps four feet or so; I could not say exactly.

1792. *Mr. Cotter*: Was it not those bottom boards that had gone (*pointing on the model*)?—Yes, they had all gone.

1793. *The Commissioner*: They had all gone, had they?—Yes.

Mr. Cotter: There was a platform, my Lord, on the bottom of the boat forward.

Witness: I saw the keel floating away some time before that.

1794. What kind of weather was it?—It was quite ideal weather to start with, but it was rather nasty in the end.

1795. What do you mean by ideal?—I mean there was no sea practically at all; the sea got up afterwards.

1796. How long after you got into the boat with the bottom out was it when the sea rose?—The sea was rising all the time from the very beginning.

1797. And yet that boat without any bottom, with 10 people in her, kept afloat for a considerable time?—I do not think it could have kept afloat very much longer. We were holding it together, the whole lot of us, with ropes.

1798. *The Commissioner*: Were you sitting or standing?—Some were sitting and some were standing.

1799. What were you sitting on?—On the seats. I do not know what the seats were attached to, whether they were attached to the gunwale too, but I think they were fastened to the gunwale, or perhaps they were attached to the side.

1800. Did the seat extend from one side of this bottomless boat to the other?—Yes, I feel almost sure that the seats were attached to the gunwale. Of course there was more than the flat piece of wood representing the gunwale. There was a piece of iron fixed on to this gunwale.

1801. *Mr. Cotter*: Will you tell us what you were sitting on?—I was on the seat sitting down, with my feet up against the side of the boat.

1802. Do you think it would be possible in a rough sea for a non-experienced person to sit on a seat?—Mr. Ryder's son was sitting there for a quarter of an hour at least, so it was possible.

1803. In a rough sea?—Not a rough sea in the ordinary acceptance of the word "rough." We had to put our heads under water for the last half-an-hour every time a piece of the wreckage came up, but we held that piece of wreckage together.

(*The Witness withdrew.*)

(*After an Interval.*)

Mr. Dan Stephens: My Lords, I understand that Lieutenant Grant wishes to say something. Will your Lordship allow him to come back before I call the next witness.

The Commissioner: Certainly.

LIEUTENANT D. C. GRANT, recalled.

Witness: There is one point I should like to mention, my Lord. After being in the water for about half-an-hour a boat came along about 50 yards away from some wreckage I was on, in charge apparently of a ship's

officer; in fact, I think there were two people in uniform in the boat—one in the bow and one in the stern—but certainly one was an officer of some sort, and on the piece of wreck we were on, they were within 20 yards of us (the

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[Continued.]

people in the boat); there were about 25 people in the boat, and there happened to be room for 15 more people in the boat. There were some women in the boat. I saw two, and we appealed to these people to take us into the boat and they refused; and then, when they were finally asked, they again absolutely refused to take us on. They took no notice of us, and they could hear us speaking as plainly as I am speaking to you now; and eventually, when they went away and were rescued, the ship's officer forgot to send back for us. I should think they called for volunteers in the boat, knowing we were in the boat, but they abandoned their boat and eventually the "Eileen Lanna" went away and these people steamed off and left us there.

1804. *The Commissioner*: Do you know any of these people by name?—No, my Lord, I do not unfortunately. I know there were two ladies on the boat.

1805. *Mr. Butler Aspinall*: You know, of course, this is a very serious charge?—It is serious, but it could be corroborated by several of the other passengers who were on my piece of wreckage.

1806. Did you forget that this morning?—I had no opportunity of bringing it forward.

1807. *The Commissioner*: But you gave a statement to the Board of Trade?—Yes.

1808. Did you put it into your statement?—I think I did.

The Commissioner: Well, I should like to see the statement that you gave to the Board of Trade.

Mr. Butler Aspinall: I think I can help you. I find it is in the statement.

The Commissioner (to Mr. Dan Stephens): Did you overlook it in examining the Witness.

Mr. Dan Stephens: I forget whether I was examining him.

The Commissioner: It must have been the Solicitor or you?

Mr. Dan Stephens: Yes; I had just forgotten for the moment.

The Commissioner: Will you read me the statement made by this Witness on this point?

Mr. Dan Stephens: In reference to this point or the whole statement?

The Commissioner: In reference to this point.

Mr. Dan Stephens: It is a question and answer from the statement. The question is "Did you see any boats sink or become water-logged? If so, how many, and do you know what was the cause? Can you say from personal observation how many boats remained afloat until the passengers in them were taken out."

The Commissioner: That is not it, you know.

Mr. Dan Stephens: It follows on that, my Lord.

The Commissioner: Then read what follows on.

Mr. Dan Stephens: "The officers of the 'Falaba' did what they could, but there was a lack of organisation or system with them, and special men and officers were not allotted to special boats. I never saw the crew or stewards, so can say nothing about them. The officer who was in the second boat which I have referred to in the last answer could have saved 30 or 40 persons who were struggling in the water. All of us on our sinking wreckage appealed to him and many others for help, and also to those in the boat with him for help, but they were indifferent, merely feathering their oars for half an hour mostly within 20 yards of us."

1809. *The Commissioner (to the Witness)*: Is that the statement you refer to?—Yes.

1810. *Mr. Butler Aspinall (to the Witness)*: I see in the statement which has just been read you say this: "all of us on our sinking wreckage appealed to him and many others for help." To your knowledge have any of the other people referred to in that statement been saved?—No, because I have not seen anybody since that statement was made.

1811. *The Commissioner*: You were asked a question, and if you can answer it, do. Were any of them saved?—Oh, yes.

1812. Can you give us the names of those who were saved who heard this?—I cannot do that, my Lord.

1813. *Mr. Butler Aspinall*: But you know some of them were saved?—Yes.

1814. Can you tell me how many in number were saved, to your knowledge?—Four.

(B 1292)

1815. I see you look towards the back of the Court, apparently you can recognise them?—Three of them are there. One was a West African.

1816. You obviously see three of them in Court, do you not?—Yes, three are there now.

1817. You are looking at them?—Yes.

The Commissioner: Let those three passengers stand up, so that I may know who they were.

(*The three men stood up.*)

Mr. Butler Aspinall: All three of those gentlemen have already been called, Primrose and the two Ryders.

The Commissioner: Did any one of these three witnesses make a statement to that effect in his statement that was taken by the Board of Trade. You might ask them to come here?

(*The three men came forward.*)

The Commissioner: Will you tell me when you gave your statements to the Board of Trade, did you make any charge against some of the officers of the "Falaba" who were in the boat to the effect that you appealed to them to take you into their boat and they refused.

Mr. Primrose: I made no statement to that effect.

(*To Mr. Ryder, Senior*): Did you?—*Mr. Ryder*: No.

(*To Mr. Ryder, Junior*): Did you?—No, my Lord.

The Commissioner: Then they have never made any statement of that kind apparently.

Mr. Butler Aspinall (to the Witness): I notice that, when you gave this information to the Board of Trade it was in answer to this question: "Do you desire to make any observations as regards the behaviour of the officers and crew of the 'Falaba' collectively or individually?"—when you made the statement which has been read. I see here that the same question was asked by the Board of Trade Official of Mr. D. J. Ryder.

The Commissioner: That is you, Mr. Ryder, Senior, is it?

Mr. Ryder, Senior: Yes, my Lord.

Mr. Butler Aspinall (to Mr. Ryder, Senior): Now, in the answer that you gave, you said—I will read it, it is a short answer—"After leaving Liverpool on Saturday, 27th March, at 6 o'clock in the evening, it was noticed that the stewards, instead of serving dinner, were stowing away luggage. They did not strike me as being expert seamen."

Mr. Ryder, Senior: That is all I said.

Is that your complaint?

Mr. Ryder, Senior: Yes.

And your complaint was that they were engaged in stowing away luggage during dinner time and were not expert seamen. Do you make the same charge against those in the boat that Lieutenant Grant does.

Mr. Ryder, Senior: We shouted to the boat that was about 20 or 30 yards—

The Commissioner: First answer the question and explain afterwards.

Mr. Butler Aspinall: You make no charge?

Mr. Ryder, Senior: No, sir; I make no charge.

The Commissioner: What about the other two?

Mr. Butler Aspinall: Mr. Stephens perhaps can help us?

Mr. Dan Stephens: They made no statement to that effect.

Mr. Butler Aspinall: Were they asked the same question?

The Commissioner: There is an obvious question which you must put to them: Do they recollect such a thing occurring?

Mr. Butler Aspinall: Might I ask the other two first if they make any charge.

The Commissioner: Yes.

Mr. Butler Aspinall: Do you two other gentlemen make the same charge?

Mr. Ryder, Junior: I saw the same thing occur about the passengers in this particular boat calling out to this officer, and they took no notice whatever of our appeal.

Witness: We were all shouting, every one of us.

Mr. Butler Aspinall: Now, Mr. Primrose, of course you quite appreciate that this is a very grave and very serious charge, do you not?—Yes.

Now I will read to you the question you were asked by the Board of Trade official and the answer. It is

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[Continued.]

question No. 6 : "Do you desire to make any observations as regards the behaviour of the officers and crew of the 'Falaba,' collectively or individually?—(A.) The officers in my opinion acted splendidly in the circumstances. The crew appeared to me to be untrained and unreliable under the unusual occurrence. This refers to the A.B.'s and ordinary seamen. Not to the stewards, &c." Now in view of the fact that you appreciate that this is a very grave and very serious charge, how comes it that when you were asked if you had any desire to make any observation as regards the officers of the "Falaba" you told the Board of Trade this : "The officers in my opinion acted splendidly in the circumstances." How do you reconcile that with your evidence ?

Mr. Primrose : According to that evidence this morning—

The Commissioner : Never mind about the evidence this morning. The question is, had you noticed this conduct which is spoken of by Lieutenant Grant ?

Mr. Primrose : I noticed it.

Why did not you mention it ? It is a very serious charge, and it is against the officers of the ship. Why did you not mention it when you were asked the question ?

Mr. Primrose : Because this particular officer at the time was not in charge of the boat according to his own evidence.

Never mind that. You see what your answer was, that the conduct of all the officers was excellent.

Mr. Butler Aspinall : "Splendid."

The Commissioner : Why did not you qualify that by saying that there were men who disregarded your attempt to get into the boat that they were in ?

Mr. Primrose : There might have been circumstances, my Lords, which prevented this particular officer from taking us into the boat. She may have been overcrowded already, though, apparently, it appeared to me that there was room.

If it appeared to you that there was room, it must have appeared to you that he was misbehaving ?

Mr. Primrose : No, my Lord.

Why not ?

Mr. Primrose : For the simple reason that I was told afterwards there were several people lying in the stern sheets of the boat on the floor. I got this from a gentleman that was in this particular boat.

Is that true, that there were several people lying in the stern of the boat ?

Mr. Primrose : That is what this gentleman stated to me, and he informed me that, although we could not see these people in the stern sheets, they were lying down in the bottom of the boat under the thwarts.

Do you believe that the officer on board that boat did behave in this inhuman way ?

Mr. Primrose : No.

Mr. Butler Aspinall : Do you make any charge ?

Mr. Primrose : No.

Do you, Mr. Ryder, Junior, make any charge ?

Mr. Ryder, Junior : No, I make no charge.

Or do you, Mr. Ryder, Senior ?—No.

Did you see what Lieutenant Grant says he saw ?

Mr. Primrose : Yes, I saw it.

Did you think at the time that the officer or officers in charge of that boat were doing anything improper ?

Mr. Primrose : No.

The Commissioner : Do you think so now ?

Mr. Primrose : I do not.

Mr. Butler Aspinall : I see Mr. Ryder, Junior, you were not asked questions and answers. You were asked questions, but Counsel for the Board of Trade tells me, and I have no doubt rightly, that you make no mention of this matter in your statement to the Board of Trade. I do notice amongst other things you mention is this that "The submarine was about 30 yards away from me."

Mr. Ryder, Junior : Yes.

So that you mentioned that incident, but the other incident you did not mention ?

Mr. Ryder, Junior : No.

May I take it you attach no importance to it ?

Mr. Ryder, Junior : Nothing at all.

You attach no importance to it at all ?

Mr. Ryder, Junior : No.

1818. (To Lieutenant Grant) : Do you still make this

charge against these officers ?—Well, if you call it a charge, yes, most emphatically so. I think if I may say so you have not put the question to the witnesses in the same way that I would have put them.

Then will you put them for me ?

The Commissioner : Will you ask the witnesses the questions yourself ?

Witness (to Mr. Primrose) : Can you remember when we were calling to those people for help ?

Mr. Primrose : I remember that quite well.

Witness (to Mr. Ryder, Senior) : Have you forgotten how you called to them for help ?

Mr. Ryder, Senior : No.

Witness (to Mr. Ryder, Junior) : Have you forgotten ?

Mr. Ryder, Junior : No, I have not forgotten it.

Witness (to Mr. Primrose) : You know the fact is that nobody would help us into that boat. The boat was riding 2 or 3 feet out of the water and you thought they could help you and you were shouting, thinking they could help the "Falaba."

Mr. Primrose : I put it down to this, that the boat was afraid of coming alongside our wreckage and getting swamped herself because the other people had not been drowned ; whereas we were on the verge of being drowned.

Witness : I agree with you, but on the other hand do you remember us offering to swing things to them one by one ?

Mr. Primrose : I cannot say that. I do not remember. I was alongside of you at the time, and I remember your making the statement.

Witness : My Lord, I think I have satisfied you, at all events, that there was an incident of some nature of that sort.

The Commissioner : But what I want to know is this. You see the three gentlemen who are standing on your left hand side ; they were all there. I want to know from each one of them whether they charge the officers of the "Falaba" who were in that boat with this inhuman conduct, that is to say, refusing to give them assistance when they were in a position to give them assistance ?

Witness : I think the answer to that is this, that they prefer to let bygones be bygones. I do not think they could bring themselves to do it at the time or they would have done it. I think they prefer to let bygones be bygones. I do not think they would care to bring a charge of that nature, although Mr. Primrose has certainly corroborated my statement, and I would willingly withdraw the charge.

The Commissioner : Am I to understand that they do bring the charge or that they do not bring the charge ?

Witness : Mr. Primrose has corroborated my statement. I would willingly withdraw the charge.

The Commissioner (to Mr. Primrose) : Do you bring any charge against the officers in that boat ?

Mr. Primrose : Not just now. May I be permitted to say a word. When we were in the water in the submerged boat, we certainly appealed to this officer and also at the same time we were so far gone that we appealed to the ladies to ask this officer if he would not take us aboard. I daresay the ladies could corroborate that. At the time we saw no other parties sitting a good way along the boat in the stern sheets, but had that been so, that there were no parties in the boat at that particular part of the boat, I certainly would have put it into my statement that we could have been generally assisted, but after meeting Mr. Rigby, one of the passengers in this particular boat, he told me, although we were no table to see them, that they were lying in the stern sheets of the boat and therefore he said there was no more room.

Did you believe him ?—I quite believed him.

Then you think that was the truth ?—Yes, I believe it was the truth.

Witness : I may say one more thing. I had not the advantage that Mr. Primrose had of speaking about that particular boat, or, perhaps, I might have been able to come to some similar conclusion. I do not think the conclusion Mr. Primrose arrived at is correct, because the boat was so many feet out of the water. She was riding very comfortably. I still fancy there was room for us in the boat.

1819. *The Commissioner* : That is all you want to say isn't it ?—Yes.

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CAPTAIN MATTHEW CHARLES COVERLEY HARRISON.

[Continued.]

1820. How did you recognise the officer?—I did not recognise him, and I do not know who he was at all.

1821. You do not know who it was in the boat?—I do not know at all. I know he was an officer, and I knew two ladies in the boat.

1822. How did you know he was an officer?—I could see by the way he was dressed.

1823. How was he dressed?—He was dressed in some sort of blue with brass buttons. He was an important looking person. He was obviously a ship's officer.

1824. Had he any stripes on his sleeves?—I could not say.

1825. You are sure he was not a steward?—As a matter of fact, some of the people on the wreckago at the time said that they recognised him. Some referred to him as the chief officer and some referred to him as the chief engineer.

1826. *The Commissioner*: Mr. Cotter asked you whether you are sure he was not a steward?—I am perfectly certain he was not a steward. Now I remember he had a certain amount of gold, but I am not sure, and I think one of the men at the end had an ordinary cap on instead of a ship's officer's cap.

(*The Witness withdrew.*)

Mr. Dan Stephens: Captain Harrison wishes to say something to the Court upon this point. He said nothing in his statement, but in answer to the Solicitor-General yesterday he did say that he swam past a boat with about

1827. Now, there was something else that you wanted to add?—There is one other thing which I do not think has any bearing on the case, but when I made this statement out I had no idea that it was going to be the subject of cross-examination, or that it was coming before a Court of Inquiry, but now it has done so, and probably as I shall not be able to speak again on the matter, I should like to have an opportunity of saying that several statements have been made by witnesses, and one statement I should certainly like to dispute, and that is in connection with people on the bridge. When the ship went down I saw men, and when they were on the bridge, I heard the syren going just before she took the final plunge, and therefore it proves that someone must have been on the bridge. Another thing I should like to say is that, having been to sea for a good many years, if the "Falaba" boats were launched properly and in good condition, as the conditions were practically ideal with the exception of the mental strain—which we were all suffering from—it was time that the boat system was altered and that they had a different system of saving life at sea, because they will never get similar conditions again.

20 people in it, and he would like to make a statement, my Lord.

The Commissioner: Very well, let him be called.

CAPTAIN MATTHEW CHARLES COVERLEY HARRISON, recalled.

Further examined by MR. DAN STEPHENS.

1828. Will you say what you desire to say?—I think yesterday I said—in fact, I am almost certain—I swam past that boat and appealed to them to take me in, but they would not. That part of my evidence was passed over very quickly.

Mr. Dan Stephens: Might I read, my Lord, what was said.

The Commissioner: Yes.

Mr. Dan Stephens: It is Question 951: "Now with regard to No. 4, that was lowered quite safely, was it not?—Yes, that was lowered all right. With some 40 people on board?—No, it had not as many as that. It was full, was it not?—No, because I happened to swim past it. Why did not you get into it?—Because they had started lowering it." Then your Lordship put it: "How many were there in it?—I should imagine there were between 25 or 30, or something like that, my Lord." Now, my Lord, as far as I have been able to follow it, I cannot see any other reference to it.

Witness: I swam past long after it had been launched. It was a long way off the "Falaba."

1829. *The Commissioner*: Just let us read again what you said: "Now with regard to No. 4, that was lowered

quite safely, was it not?—Yes, that was lowered all right. With some 40 people on board?—No, it had not as many as that. It was full, was it not?—No, because I happened to swim past it. Why did you not get into it? Because they had started lowering it." Then you were asked: "How many were there in it?—I should imagine there were within 25 or 30, or something like that." Now what is it more that you desire to add?—That I appealed to the officers in that boat to pick me up, and they refused to do so after I had been in the water over an hour at least.

1830. Do you know whether there were any passengers or crew on board this boat—at the bottom of the boat?—No, I do not know that there were. I do not think there were. There was no reason why there should have been, because I saw it being launched; it was quite empty at that time.

1831. We have been told that there were?—I saw it being launched, and I certainly did not see anybody in the boat when it was being launched.

1832. Then you do not believe the statement that there were people at the bottom of the boat?—No.

Examined by MR. BUTLER ASPINALL.

1833. Of course you appreciate that this is a very grave charge?—Yes, and I did at the time, too, when I was in an exhausted condition, and they would not pick me up.

1834. You asked them to pick you up?—Yes.

1835. And they either refused or certainly failed to do so?—They said the trawler had put down a boat and that would pick me up later on.

1836. You had a conversation with them?—Somebody shouted that out to me and said, "We have got no room here, but you will find a trawler boat."

1837. *The Commissioner*: They did say they had no room?—Yes, but I know they had room.

1838. *Mr. Butler Aspinall*: They were lying?—They certainly had room for another 10 or 12 passengers.

Then they were lying, or somebody was.

1839. *The Commissioner*: Do you know any of these people; can you name them?—I could name one or two that were in the boat, but I cannot name the people who answered my question.

1840. You might tell us their names?—I saw only one lady—Mr. and Mrs. Bishop—but there may have been more than one. Those were the only two people I remember, because they were on the boat that I came back in from West Africa.

1841. *Mr. Butler Aspinall*: So that you have two serious complaints. One, that they failed to pick you up; and secondly, that the men from the boat told you something that was inaccurate. Those are the two complaints?—Yes.

1842. Did you tell the Board of Trade anything about that?—Nothing at all.

1843. Did it occur to you when you were asked to tell them the circumstances about this casualty?—I was never asked at all.

1844. Did you make them a statement?—No.

1845. Then how came you to be called—did you make a statement to the officials of the Colonial Office?—No. I said I had nothing to complain of against any officer of the ship, and that was because I did not notice the officer who was in that particular boat.

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CAPTAIN MATTHEW CHARLES COVERLEY HARRISON.

[Continued.]

1846. Did you make a statement to some official at the Colonial Office—did you give them your evidence as to what you were prepared to tell the Court?—I made a very brief statement, I think, the first time I was called there.

1847. You have forgotten the name of the man?—Yes, I have forgotten his name.

1848. I do not wish to trouble you about the gentleman's name. Did you make a second statement?—The second statement was a written one.

1849. Did you mention either of these incidents in that written statement?—No.

1850. Did you attach importance to them?—To which? The statement that I wrote—my written statement?

1851. The statements which you know you made to the effect that you hailed the boat for assistance, that she failed to give it to you, and, secondly, that they told you they were full, whereas in fact, you know they were not full?—Yes, I did to a certain extent, I was very much annoyed at the time, I must say.

1852. I do not want there to be any misunderstanding. You said: "Yes, I did to a certain extent." My question was, did you make reference to that in the written statement that you gave to the Colonial Office?—No, nothing whatever.

1853. Did you attach importance to these two matters?—Well, I did at the time, yes.

1854. Do you now?—Yes, I do.

1855. Why did you not tell the Colonial Office in your written statement about these two matters?—I am not certain; I really cannot remember whether I did or whether I did not in my verbal statement.

1856. *The Commissioner*: I thought you said just now that you did not?—Not in my written statement.

1857. You were asked about your written statement?—Yes, but I also made a verbal statement at the Colonial Office.

1858. Did you mention it in your written statement?—No, I did not.

1859. Why not?—Because I was not asked to answer any questions like that. I simply answered the questions that were put to me by the Colonial Office.

1860. Were they written questions?—Yes, they were.

The Commissioner: I should like to see those written questions.

Mr. Dan Stephens: I have them here, my Lord. There were eight written questions put to this witness. No. 6 is the material question (*handing in the written questions*).

1861. *The Commissioner*: Now I see this: "Do you desire to make any observations as regards the behaviour of the officers and crew of the 'Falaba' collectively or individually" and the answer is "None"?—Quite right.

1862. Do you desire now to make any charge against them?—No, I do not.

1863. Then against whom are you making the charge?—Against the occupants of that particular boat.

1864. But they were among the officers?—I do not know who they were, therefore I could not make any charge. I did not know there was any officer in that boat even.

1865. It is officers and crew.—I did not know there were any crew; there were no crew in one boat.

1866. Then you do not know whether the persons who refused to take you in were the officers or crew, or any part of the officers or crew of the "Falaba." They may have been passengers?—They may have been passengers.

1867. Then you were asked this, "Is there any other matter in connection with the sinking of the 'Falaba' to which you consider attention should be directed"; and then you speak here of the complete lack of discipline and organisation on board, as is always the case in Elder Dempster boats. How often have you travelled in an Elder Dempster boat?—Six voyages.

1868. How many voyages have the Elder Dempster boats made to West Africa?—I really could not tell you that.

1869. I should say hundreds—thousands probably?—Yes.

1870. Do you make this statement on the strength of your having travelled six times?—Yes, on my own observations.

1871. It is rather a strong thing to say, "as is always the case in Elder Dempster boats." Is it always the case?—I was never particularly impressed with anything they have done on the Elder Dempster boats, I must say.

1872. *Mr. Butler Aspinall*: In addition to that statement, do you remember on April 4th writing from the Hotel York in Berners Street a letter to the Elder Dempster Line?—Yes, I do.

1873. It started thus: "Dear Sir, I shall be glad if you will kindly let me know if it is the intention of Messrs. Elder Dempster to compensate as early as possible the passengers who were saved on the steamship 'Falaba.' It is needless to say we have been put to a very great deal of inconvenience and expense." (*Handing in the same*.) Did you in that letter make any reference to the two incidents which we have been discussing?—No, I did not. Would you mind reading on in that letter?

1874. I shall certainly give you the benefit of the whole letter. There is a great deal of complaint later to come. You write in the same letter later on complaining in what respects there was failure, do you not?—Yes.

1875. "I understand that the 'Falaba' was carrying a considerable quantity of ammunition. Had I known this I should most certainly have postponed my departure. The last ship I regret to say was sent to sea with not nearly enough lifeboats." What is your foundation for that statement?—Not everybody was able to get into a lifeboat; some remained on the ship and were left behind.

1876. Let me read again the paragraph: "The last ship I regret to say was sent to sea with not nearly enough lifeboats." Your foundation for that is that because some of the people were left behind on the ship—is that the foundation?—Yes, and the lifeboats were overcrowded.

1877. *The Commissioner*: I thought you said that this particular lifeboat that you saw was not overcrowded?—That was the only one that was not overcrowded.

1878. *Mr. Butler Aspinall*: "And the majority of them were unseaworthy—" Had you an opportunity of making any examination of these boats yourself?—No, but it was pretty obvious. They were unseaworthy because they all collapsed when they reached the water—at least most of them did.

1879. "The boat I was in sank in 15 minutes. There was not a single seaman in this boat and no provisions of any kind"; did you look for provisions?—Yes. It was an ordinary surf boat. There was no place to put any provisions in even if there were any. It was an open boat.

1880. What is the number of this boat?—No. 6, according to that plan.

1881. Now I will tell you this—it is only fair I should tell you—that after this accident happened, this and other boats were washed up on the shores of Devon and Cornwall?—Yes.

1882. And there is a gentleman here, a naval architect, who went down, looked at the boats and amongst others found this boat and found provisions in it in the right place for provisions?—In which boat was that?

1883. The boat that we are speaking of, No. 6. He found provisions there. However, his evidence will come later?—I cannot say I recognised any number on one boat. I got into the boat which is marked No. 6 upon that map.

1884. "There was also a complete lack of organisation on board, the passengers in some cases being compelled to lower the boats. Two of the boats were in a horrid condition," and so on (*reading*).

Mr. Dan Stephens: Might I just put one question?

The Commissioner: Yes.

1885. *Mr. Dan Stephens (to the Witness)*: I would like to clear up one thing. You were asked by the Colonial Office a number of questions?—Yes, I was.

1886. And you answered them?—Yes, I answered them.

1887. And signed them?—And signed them.

1888. Did you make any other statement save that to the Colonial Office?—No, that was the only thing I said.

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Mr. J. D. BATHGATE.

[Continued.]

1889. I thought you mentioned another statement?—No.

1890. *The Commissioner*: I thought you said you made a verbal statement?—Yes, there was a verbal statement.

1891. To whom?—To Mr. Flood at the Colonial Office.

1892. Did he take a note of it?—He took a few notes, yes.

1893. Was there anything in that verbal statement about the conduct of the people on board the boat refusing to take you in?—I really cannot tell you that. He may have it down or he may not—I cannot remember.

1894. I am not asking you what he has down. I want to know what he said?—I cannot remember.

Examined by Mr. JOSEPH COTTER.

1895. With regard to this boat, were you with Lieutenant Parker when you went up to the boat?—Up to which boat?

1896. Up to No. 6 boat?—I did not see him till after we got into the boat.

1897. Did you hear his evidence this morning?—I heard part of it.

1898. He stated that he saw No. 4 boat, and that it was full and was being lowered, and he was told to get into No. 6?—I do not remember that.

1899. If he made that statement, do you agree with it?—I cannot say I do.

The Commissioner: Is there anyone else who wishes to make a statement?

Mr. Dan Stephens: Upon this part, my Lord, I have no one else who wants to make a statement, but upon a different point I understand there are people who want to make statements. Both Mr. Bathgate and Mr. Watt wish to make a statement.

Mr. J. D. BATHGATE, recalled.

Further examined by Mr. DAN STEPHENS.

1900. I have been handed a note to show that you require to give some further evidence upon two points; is that right?—Yes, I was not given an opportunity yesterday.

1901. *The Commissioner*: What are they?—The main point is, my Lord, that none of the boats stood by the ship after they left to pick up people out of the water, and only one of their ships came back to rescue drowning passengers, and there was one of the "Falaba" boats manned by the third engineer, and two or three fishermen or sailors—I do not know which—but apparently the only member of the crew that came back was the third engineer, with two or three volunteers, and there were numbers of people dying in the water at the time, and if some of

those boats which had got safely away had come back after delivering their passengers to the drifters, I am quite sure, from my experience, many more would have been saved, because they had over an hour from the time the ship sunk to deliver their passengers to the steam drifters, and to get back to the scene of the wreck. I myself was in the water for over an hour, and it was only through this ship's boat coming back that I was saved, and none of the regular crew, so far as I could gather, came back in that boat. The only man, as far as I can find out, of the whole ship's crew who returned to the scene of the wreck, was the third engineer.

Examined by Mr. BATESON.

1902. Were you conscious when you were picked up?—Yes.

1903. And were in full possession of your faculties?—Yes.

1904. Did you suggest going on to pick up more people?—Well, I was pulled into the boat, and I collapsed as soon as I got into the boat.

1905. After you got in?—After I was pulled in, yes, and I was not able to do anything.

1906. And what happened to the boat after you were pulled in, do you know?—I was shortly after put on the steam drifter—helped on—and I believe the boat was cast adrift. I do not know what they did with it.

1907. You do not know whether they looked for more people after they picked you up?—They did cast the boat adrift as a fact, because the third engineer came on with us then.

1908. You were pretty far gone, were you?—Well, I was in a bad way.

1909. They took you back to the drifter as quickly as they could?—Yes. I was with the first officer. The first officer, myself and two passengers and the third engineer got into the drifter within five minutes. They picked up everybody they could see in that immediate vicinity. If they had waited, if we had not been put into the drifter at once, we should not have lived.

1910. What did the drifter do? Did she try to pick up any others?—I do not know. I was put downstairs.

1911. Are you really able to say what efforts were made to pick up others?—No, I was put straight downstairs.

The Commissioner: But what I want to know is this, why was this gentleman not asked about these matters?

Mr. Dan Stephens: Your Lordship sees the only things we had were the questions and answers.

The Commissioner: Is there no reference to these matters in the answers that he gave?

Witness: Yes, my Lord.

The Commissioner: Take the answers and just read me the answers that you say were given in reply to these questions.

Mr. Dan Stephens: It is Question 6, "Do you desire to make any observations as regards the behaviour of the officers and crew of the 'Falaba' collectively or individually?—More warning should, I think, have been given to the passengers, and definite orders should have been given by the officers as to what was to be done. Both the captain and the first officer stayed till all the boats had gone. Only one of the 'Falaba's' boats returned to pick up people after the ship sank. This boat was manned by the third engineer and three sailors, and it rescued four people, including myself and the chief officer of the 'Falaba.'" That is the answer, and I think that is all.

The Commissioner: Now that appears to me to afford the foundation for a question to him, and he ought to have been asked.

Witness: And I made a further report in which I also referred to that.

1912. What is the further report?—When the facts were fresh in my mind, two days after the disaster.

1913. To whom did you make that report?—To an official of the Colonial Office.

The Commissioner: Have we got that here, Mr. Stephens?

Mr. Dan Stephens: Yes, my Lord (*handing in the same*).

1914. *The Commissioner*: Is that the letter that you wrote?—Yes, the letter.

The Commissioner: Have you seen this letter, Mr. Aspinall?

Mr. Buller Aspinall: Yes, I have seen it, my Lord.

Witness: The latter part of it, I think, refers to that matter.

The Commissioner: "After a rather trying time in the water I was rescued by a steam drifter, which landed me at Milford Haven about midnight." It is a very long letter?

Witness: It is the latter part, my Lord.

The Commissioner: Yes, I will find it in a moment.

Mr. Dan Stephens: I think the last two paragraphs are the only things that dealt with it.

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MR. J. C. WATT.

[Continued.]

1915. *The Commissioner*: "The last boat, that on the starboard side astern, was being launched when the torpedo was fired and could be plainly seen by the enemy. The explosion caused the boat to fall into the water and I believe the people were thrown out." What number was that boat, can you tell me?—That would be No. 8.

1916. "Many men from the swamped boats were struggling in the water when the torpedo hit the ship and doubtless the explosion killed a number of them. Dr. Grant (Nigeria) I think probably lost his life in this way, as I saw him in the water in this vicinity. There were still some 20 or 30 people (perhaps more) on the steamer when she was hit and as all the boats had gone we could only take to the water. I was one of a party of about a dozen who made their way to the forward deck and we, one by one, got overboard. Hermon-Hodge, A. C. Francis, and myself (all Nigerian officials) were among the last half-dozen to leave. I jumped off about five minutes after the explosion and my watch stopped at 12.57 p.m. All three of us were rescued eventually by small boats after being about an hour in the water. Henderson of the Nigeria Marine Department was still on the forward deck when I left and I am afraid stayed too long, as his name is on the lost list. The ship was now fast settling down and she sank four or five minutes after I got into the water. One of the 'Falaba's' boats, manned by the third engineer and three sailors, picked up Francis and myself about two o'clock. We were put on to the steam drifter 'George Baker,' which had just come up, and we landed at Milford Haven about midnight. The bulk of the survivors were put on the trawler 'Eileen Lanna' and afterwards transferred to the destroyer 'Lifey,' which took them into Milford Haven. I feel that something should be said about the ship's boats. They did not appear to have been equal to the strain put upon them as one collapsed shortly after being launched and two others seemed to swamp rather easily. Only one of them returned to pick up people out of the water after delivering her first load to the trawler, and it would appear that either the boats were not fit to return or the crews were too exhausted to work them." That is your idea of the explanation?—Yes, my point, my Lord, is that the boats were insufficiently manned, that if they had been properly manned they could have come back and rescued the passengers.

1917. One-half of the crew went to the bottom, apparently?—Yes, and one-half of the passengers, my Lord.

1918. Yes, I know. "Apparently none of the ship's boats stood by the sinking vessel and more lives, I feel sure, could have been saved if this had been done."

(The Witness withdrew.)

Mr. Dan Stephens: There is just one more witness, my Lord—Mr. Watt.

The Commissioner: All these witnesses, before they leave the box, must now be asked whether they wish to

That is what you wanted read?—Yes. My point is that those boats were not sufficiently or properly manned, and if they had been properly manned the ones that got safely away could have returned.

Mr. Dan Stephens: May I say in answer to your Lordship that questions were put to the witness upon this point and they were Questions 888 to 890 at page 23 of the print.

The Commissioner: "How did you get saved?—I was swimming for about an hour in the water, and I was picked up in the same boat that saved the chief officer. I was picked up after he was. He says it was No. 3?—It was a ship's boat. I do not know which boat it was. It was manned by the third engineer. And you were put on board the trawler?—I was put on board the drifter the 'George Baker.' That was the only ship's boat that came back to pick up anybody."

Mr. Dan Stephens: Yes, and there was no question in cross-examination.

Witness: And another point, if I am in order, my Lord, is—it might be outside the scope of this inquiry—but if there had been some rafts or collapsible rafts or any kind of rafts, they would have been of great advantage. I went to the captain when most of the boats had gone, all except the one at the stern, and he was then on the passenger deck, the captain of the ship, and I asked him if he had any rafts or anything else. It was quite clear that the boats could not take everyone, and he said: No, I have nothing.

1919. You say it was quite clear that the boats could not take everyone?—All the boats I saw went down fairly full.

1920. I have been given to understand that the provisions of the Merchant Shipping Act were complied with and that there was boat accommodation for all the people on board?—They do not meet an emergency of that kind, my Lord. They might meet the Merchant Shipping Act, but they do not meet an emergency when a wreck occurs; but I went and asked the captain whether he had any rafts or anything else, because there were no boats to take any more of us, and he said: No, I have nothing, and they have given me five minutes to get you all off. Most of the boats had gone then. I think all of them had gone except No. 8.

The Commissioner: Do you want to ask anything, Mr. Aspinall?

Mr. Aspinall: No, my Lord.

1921. *The Commissioner (to the Witness)*: Is there anything more that you wish to say?—Nothing, I think, my Lord.

add anything more, because it is very inconvenient to have to recall them.

Mr. Dan Stephens: If you please, my Lord.

MR. J. C. WATT, recalled.

1922. *The Commissioner*: Now, Mr. Watt, what is it that you desire to add?—I want to make one or two observations as far as my personal experience went. First of all, until practically the very last few moments, I had no idea that it was simply a matter of seconds before the torpedo was going to be fired. I took a very great deal of interest in the submarine and spent a lot of time walking round on the deck and examining it. It was only in the last few minutes that I realised there was any danger, and I went to my cabin on my own responsibility and found a lifebelt, and came up on deck, after putting on some clothes. The point is, there was no guidance or anything of the sort on the part of the ship's officers.

1923. What do you mean by guidance—no indication to you of the boat that you ought to get into?—Yes; further than that, there was no intimation that there was any serious danger.

1924. What did you think yourself?—I took it, personally, that a boat would come alongside and examine the ship's papers or something of that sort.

1925. Did you think that that was what a submarine does?—Apparently there are no rules by which one can judge. I certainly did expect that.

1926. You did not expect a torpedo to be sent into the "Falaba"?—No; first of all I thought it was a British submarine.

1927. This was on the 27th or the 28th of March?—Yes.

1928. You had started on the 27th from Liverpool?—Yes.

1929. Had you heard anything about the German blockade?—Yes.

1930. Did you not know that that was to be performed by means of submarines?—Yes.

1931. And that German submarines were to send torpedoes into English boats?

1932. You knew that?—Yes.

1933. Did not you think that this submarine was there for the purpose of carrying out the blockade, to some extent?—Yes.

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MR. JAMES CHARLES EMERY.

[Continued.]

1934. How was she going to carry it out?—By examination of the vessel, and, if she was found to be carrying ammunition or anything of that sort, proper time would be given for people to get off. The "Falaba," as a matter of fact, was the first passenger boat, as far as my memory serves me, that was torpedoed.

1935. I do not know whether she was or not, but she was not the first boat with lives on board that had been torpedoed?—Certainly not. As a matter of fact, in a case of this kind, no notice was given at all.

1936. You mean to say no notice by the officers of the "Falaba"?—No, by the officers of the submarine.

1937. I thought they were shouting through a megaphone?—Not in the case of the "Lusitania."

1938. I am not talking about the "Lusitania."—I mentioned that to show—

1939. Let us stick to one thing. I am not trying the "Lusitania" at present. Did you hear the megaphone?—No.

1940. Did you know that there had been a megaphone message from the submarine?—No. The first time I thought there was danger was when I saw the German flag.

1941. That was before the megaphone message, was it not?—I could not say. I did not hear it at all.

1942. How far was the submarine away when you saw the German flag?—Within the range of my sight, which is rather weak. I could not say at all.

1943. It was long before the torpedo was sent into the "Falaba"?—Not a very great period.

1944. But some time?—Yes, some time.

1945. So that you knew it was a German torpedo boat?—Yes.

1946. You knew that the blockade had begun?—Yes.

1947. You knew that the Germans had sunk very many boats by means of their submarines?—Yes.

1948. And you were not alarmed?—No.

1949. Well, you have got a stronger nerve than I have. —After this experience I probably should be alarmed.

Mr. Dan Stephens: Might I just refer your Lordship to Question 694, page 17, a *propos* of what your Lordship has said?

1950. The Commissioner: Yes. "Is there anything else you want to tell the Court?—No." (To the Witness): When did it occur to you that you ought to have answered that question "Yes." Since last night, of course?—At the rising of the Court last night.

(The Witness withdrew.)

MR. JAMES CHARLES EMERY, SWORN.

Examined by MR. DAN STEPHENS.

1962. Are you a foreman in the Gold Coast Government Railway?—I am inspector of works in the Gold Coast Government Railway.

1963. Where were you when you first saw this submarine?—On the promenade deck.

1964. Where did you see it; how close was it?—I should say 20 or 30 yards away.

1965. Close to you?—Close to us.

1966. And up to that time had you heard anything from the submarine—any shouting by megaphone?—Yes, I heard the commanding officer say through the megaphone that he was going to sink the ship.

1967. That was the first you had seen of it—that called your attention to it?—Yes, that was the first I had seen of her.

1968. Up to that time had you had any instructions or orders from anybody on the "Falaba"?—There was a terrible lot of confusion going on on board the ship.

1969. You mean after you heard this megaphone message?—Yes, after that.

1970. What did you do?—Well, I went down to my cabin to get a lifebelt, and there was not one there so I came back to the promenade deck again, stood at the rails on the port side of the ship watching the proceedings and I saw the submarine move towards the stern of the boat, and I thought it was time to move.

1971.—I am not surprised—you moved from which side? The submarine was on your port side?—He was going round to the stern of the boat.

1951. Apparently no one is to blame for that. Now you have told us all you want to add, have you?—Yes. I suppose I might suggest that there should be a boat drill before the boat leaves port. I am going out again on the 29th, and it seems only common sense that it should take place.

1952. Are you going out in an Elder Dempster boat?—Yes.

1953. That shows a little confidence which I hope will not be misplaced. Is there anything else you wish to add?—As far as the incident which has been mentioned here this afternoon about people appealing for help is concerned, the boat that we were in, we were appealed to for help by a sinking boat or a boat which was very much under water, and we called out to them that we were unable (it was all shouting, just a few words at a time) to take them because there was no room.

1954. You had a good reason for refusing?—Yes, there was no room for them.

1955. Which boat were you in?—Well, I believe that it was No. 4. I am not sure of the number.

1956. Was it a boat which had been in the position in which you see No. 4 upon the plan?—That I would not be sure of—it was the same boat that Mr. Guy was in.

The Commissioner: Which boat was that?

Mr. Dan Stephens: No. 4, my Lord.

Witness: We were so crowded in our boat that we were unable to get the oars from underneath the poles and other stuff that was in the boat.

1957. The Commissioner: Were there 40 people in your boat?—Yes, there were a large number. I should say 30 or 40. When the trawler "Eileen Lanna" came up we were the first boat that she passed—the first small boat; and they were stopping to pick us up and we told them to go on and get the people in the water; we were all right, and it was after that that we saw this water-logged boat and we spent a very considerable time rowing about trying to pick up a single man who was floating on top of the boat.

1958. Did you pick up anybody?—No, we could not get to them.

1959. I understood you to say that there was no room in your boat?—No, but we tried to get one man who was on top of the boat in the last stages.

1960. You would have made room for him?—Oh, yes.

1961. Is that all you wish to say?—Yes.

1972.—When you first saw him close to you was he on your left hand?—He was over there (*describing*) between two of these boats.

1973. The Commissioner: You mean on the port side of the ship?—Yes, on the port side of the ship.

1974. Mr. Dan Stephens: When you saw him coming to the port side towards your stern you thought it was time to move?—Yes.

1975. And when you did move where did you move to?—I went to the starboard side of the ship.

1976. To a boat?—No, I leaned over the rails and I saw there was a boat being lowered—No. 3.

1977. Was it full, then?—No, they were just lowering it.

1978. But were there people in it?—No, there was nobody in it. So I made for the lower deck, and when I got there the boat was level with the deck—it was being lowered.

1979. Were there any people in it yet?—There was a general scramble, and I was one in the scramble.

1980. Did you get into her?—I got into her.

1981. And how many others got in?—Well, I should say 35 to 40.

1982. And was it lowered all right?—Till we got within six feet of the water she went down fairly well.

1983. Till you got down six feet, and then?—They let her go.

1984. And then did she drop into the water?—Yes.

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MR. JAMES CHARLES EMERY.

[Continued.]

1985. What did you do after the boat dropped into the water?—Made our way. We had, I think it was the third engineer, but I am not sure; however, he was an officer of the boat, a very useful man, and he undertook the steering of the boat, and we made away from the ship as fast as possible.

1986. Now, what were you doing in the boat; were you just standing up, or sitting down, or what?—I was assisting the officers as much as I could.

1987. Were you rowing?—No.

1988. Had you an opportunity of seeing anything that was going on with the other boats?—Only No. 5. I saw that boat slip from the davit.

1989. Describe, please, what you mean by slip from the davit?—The boat was launched, the passengers in it slipped, and they let that end of the davit go.

1990. Which end—do you mean the after end or the forward end?—The forward end.

1991. That seemed to go, did it?—Yes.

1992. At that time were there people in the boat?—Yes.

1993. What happened to it?—It shot the people in the water.

1994. Can you tell us at the time when that happened, where the submarine was?—It had made its way to the starboard side of the boat.

1995. Had it shot its torpedo at that time?—No, not then. He was fixing himself, I suppose. I was thinking of the position of the submarine directly opposite No. 1.

1996. When you say fixing himself, do you mean ready to shoot?—Yes; he stopped dead.

1997. With her nose on to you?—No, longitudinally.

1998. Then that boat was, according to your story, hanging so far by one davit?—Yes.

1999. What happened to it?—I could not say.

2000. Could you see any other boat?—No, I saw no other boat. I saw one or two about the water, that was all.

2001. But did you see any other boat?—No, I cannot say anything about that.

2002. Did you see the torpedo shot or hear the noise, or what?—I heard the report and saw the explosion.

2003. Where was the boat you were in then?—We were in a direct line with No. 3 from that position (*pointing to diagram*).

2004. Do you mean No. 3 boat?—Yes.

2005. Did the torpedo pass close to you?—Yes, quite close.

The Commissioner: The torpedo from the submarine was somewhere between No. 1 and No. 3, as I understand.

Mr. Dan Stephens: Yes, between No. 1 and No. 3.

Examined by MR. BUTLER ASPINALL.

2022. Did your boat ship any water after you got her launched?—She did ship water, yes.

2023. The weather got rather baddish. When the boat was launched it was fairly moderate weather, was it not, then?—The sea was rough.

2024. And it got worse did it not?—It got worse as we got away from the ship.

2025. And as time went on and the weather got worse, did you ship more water?—No, we did not ship very much water. The water was coming through from somewhere. We did not ship much water.

2026. *The Commissioner*: I want to be quite clear about that. You said just now that you did ship some water.—You misunderstood me, my Lord.

2027. No, no, I did not misunderstand you at all.—Then I do not understand the term. What I should take to be shipping water would be water that came over the top.

2028. So should I?—We did not ship water in that way. It came through the bottom from somewhere.

Examined by MR. JOSEPH COTTER.

2034. Did you hear any orders given aboard?—No.

2035. No orders at all?—No.

The Witness said that the torpedo passed very near to them. They were in a line with No. 3.

Witness: Yes.

2006. *Mr. Dan Stephens*: Then with regard to your boat, what did you do with your boat. We have got the details of what happened to the ship, and unless you have got something new to tell us, I do not propose to ask you. What happened to your boat?—We got away from the ship as fast as possible.

2007. You were full, were you?—Yes, full.

2008. *The Commissioner*: How many people were there in your boat?—I should say from 35 to 40. I could not say exactly. It was very crowded.

2009. *Mr. Dan Stephens*: Forty would be a proper complement?—It was very crowded.

2010. And then you were put on board one of these steam drifters that came up for you?—Yes, they got on board a drifter, the "Eileen Lannar."

2011. Now, then, is there anything else you want to tell the Court?—I do not think so. There is only one thing I should like to say, and that is, that the boat I did get into was not in the order it should have been. It was full of lumber and it was not ready for launching, and it was not fit to receive passengers.

2012. Lumber is a wide word. Would you mind giving us the particulars of what you mean?—There were several odd boxes thrown over and there were, I should say, quite half a dozen of long oars not belonging to the boat at all, belonging to lighters what they use on the coast—what they use for the big lighters on the coast. These had to be thrown overboard.

2013. Was it all that you mean that made it unfit?—Yes, that is to say, they were in the way.

2014. Except the lumber, was there anything else the matter with the boat?—The boat leaked terribly.

2015. Where?—I cannot say where.

2016. Had it a plug in?—There was one plug out. I do not know how many plugs there were supposed to be, but there was one hole there without a plug.

2017. Who was stopping it up?—One of the coloured sailors, who took his coat off and stopped the hole up. We had to do something.

2018. Did that stop the water coming in through the hole?—No, it still ran in. Some of the passengers had bowler hats on, and we had to use those for baling the water out. We had to keep four men doing that all the time.

2019. Did you manage to keep your boat fairly dry in that way?—Yes, fairly well.

2020. Until you were put on board the steam drifter?—Until we got to the steam drifter.

2021. And after you were put on board the steam drifter was the boat used at all?—No, she went adrift.

2029. *Mr. Butler Aspinall*: I do not want to quarrel with you. You quite understood my question, did you not, when I asked you if you shipped water. You have explained very well what it means?—Well, we had no water in the boat that was not shipped in the way I take it.

2030. But apart from that water, did you ship water. Apart from the water which you say came in through the plug hole?—No.

2031. Then your answer is that you did not ship water?—We never shipped water in the sense that I understand it. The boat was leaking; there was no plug, and the water was coming through quite fast from the bottom of the boat.

2032. Then when you told me that you did ship water you meant that you made a mistake; you want to correct that answer?—I did not understand the way you put it.

2033. I asked you, you know: "Did the boat ship water?" and you said, "Yes!"—I cannot have it that way. Then you must have it your own way.

2036. Did you hear any orders for the people to get into the boat?—No, no orders.

2037. Who ordered you to get into the boat?—No one.

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MR. EDWARD KENT.

[Continued.]

2038. Were there any officers there?—I did not see any; only, as I say, the third engineer. I believe he was the third engineer.

2039. Did he take charge of the boat?—Not until we got down into the water.

2040. You gave orders to lower the boat?—I do not know.

2041. Did you hear anybody give any order as to lowering the boats?—I heard no one give any orders.

2042. You have spoken about lumber in the boat?—Yes.

2043. What do you mean by lumber?—I have told you already.

2044. You said there were some boxes?—Yes, boxes.

2045. Do you know what was in those boxes?—Nothing that I know of.

2046. Do you know that in a lifeboat there is supposed to be boxes with biscuits and bread in?—I saw none.

2047. *The Commissioner*: Did you open the boxes?—No.

2048. *Mr. Cotter*: Do you know the length of a lifeboat oar? You said they were long oars that they use on the coast. Do you know the length of lifeboat oars?—No, I do not know the length of them.

(The Witness withdrew.)

MR. EDWARD KENT, SWORN.

Examined by MR. BRANSON.

2057. You are a District Engineer on the Nigerian Railway?—I am.

2058. Did you see this submarine come up?—Yes, I saw it. I was in my cabin at 10 minutes past 12.

2059. Had you seen her through the porthole?—No.

2060. Did you go on deck then?—Yes, I went on deck at 10 minutes past 12.

2061. How far was she off then?—About a mile.

2062. Did you hear any shouting from the submarine?—Well, afterwards, yes. When she got up to us, one message was given. That was all I heard. I could not hear any more.

2063. You could not hear the message?—No. She fired a rocket first—a sort of blue fireball.

2064. When she fired the rocket, what did the "Falaba" do?—I did not know at the time that the signal was to "heave to," and I think she did stop.

2065. When you heard the shouting through the megaphone, did you take it to mean anything?—I guessed what it was.

2066. What did you guess it to be?—Probably an order to leave the ship I guessed.

2067. When the shout came from the submarine, was anything done by way of getting people into the boats?—I did not hear any orders given at all. I was on the promenade deck.

2068. What happened? Did the people go into the boats without orders, or what?—Apparently they did.

2069. Did you see any boats launched?—Yes, I saw what I thought was No. 1. Some witnesses say it was No. 2; that was the one that went down end on, and I happened to be passing close there at the time and I heard a crash and saw this boat go end on into the water. I saw three or four people in it. I looked over the side and saw that she went under stern first. The stern went under the water, and then she came to the surface again.

2070. That was No. 2, you thought?—I thought at the time it was No. 1, and still think it was No. 1. Then I went over to the other side and saw what I thought was No. 2 being lowered.

2071. What happened to that?—No. 2 seemed to me to be quite fairly full of passengers, not crowded, quite a good number in it, and she was being lowered, and I leant over the rail and watched her being lowered, because I was interested in her, and she was lowered about three parts of the way, I should think, within about 10 feet, of the water, successfully, and then the stern went down into the water, and I saw who I thought to be Lieutenant-Commander Henderson in the bow trying to get a forward rope to work in the blocks and the men on it were not lowering it properly—it seemed to be jammed. Anyway, I distinctly saw him trying to get the ropes to work in the

2049. And you cannot say that these were not quite the ordinary oars?—I could tell when I was in the boat that the oar was too long for the boat I was in.

2050. How could you tell? Were you ever in a lifeboat?—If you put all those oars that we threw overboard when she was about 15 feet in the water, the oars were certainly across the boat and 6 feet the other side. That would not be belonging to the boat.

2051. Fifteen feet in the water?—I should think these oars that we threw over must have been at least 20 to 25 feet long, tremendous things—that is my estimation—I may be wrong.

2052. Did you see a mast in the boat with a sail round it. Do you know that is attached to a lifeboat?—I could not tell you.

2053. Would you call that lumber if you saw it?—What?

2054. Did you see a mast with a sail wrapped round it, lying along fore and aft in the boat?—No, I never saw one.

2055. You do not know what the equipment of a lifeboat is, do you?—No, I do not; I am not a seafaring men.

And, of course, you thought it was lumber?

2056. *The Commissioner*: Do you want to add anything more?—No.

blocks. In the meantime, a wave came over the stern of the boat, and partly filled her up; the stern was still in the water. The second wave then came along and swamped her, and she went down. Her stern went down, and the people were thrown into the water, and then the forward end was let go.

2072. *The Commissioner*: Was it a bad sea?—No, I should not call it a bad sea. There was practically no movement on board the "Falaba," but when we got into the small boats subsequently we noticed it. If there had been much movement on the "Falaba" I should have noticed it, because I am a bad sailor.

2073. *Mr. Branson*: You got away in No. 7 boat, I believe?—I got away in No. 7. It was after she was in the water. I climbed down the ropes and got into her.

2074. Was she full?—She was when I got in—just about; she could not have taken any more.

2075. Did you see any of the other boats in the water—the ship's boats?—Afterwards, yes; I saw two. One was simply a skeleton—simply the ribs showing, and no one in it.

2076. Could you tell us which one that was?—I could not say which number it was. There was another one practically all submerged, with the centre-piece of the bow out of the water, with two passengers in it. Those are the only two I noticed. I noticed three others with passengers in them.

2077. Was your boat in order, did she leak or anything?—No, very slightly.

2078. Did you see the torpedo fired?—I saw it strike the "Falaba." The boat was full of people, or looked full.

2079. What happened to No. 8 when the torpedo exploded?—It seemed to me that as the torpedo struck the ship, the "Falaba" gave a sudden list at quite a considerable angle, and remained like that, and the people in the boat were either thrown out or the boat fell—I could not quite say. Anyway, I saw them all struggling in the water.

2080. When the torpedo was fired there was a drifter in sight, was there not?—Yes, I noticed the drifter at the same time as we noticed the submarine.

2081. Was there any other vessel in sight?—No, not from the deck. There was no reason why the submarine should not have given another few minutes for the last boat to be lowered.

2082. Can you think of anything further that you would like to say to the Court?—I should like to make one point, and that is—

2083. *The Commissioner*: Was the drifter that you sighted at the same time as you saw the submarine one of the drifters that assisted to take passengers?—That

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MR. EDWARD KENT.

[Continued.]

was the "Eileen Lanna." Three others came up a long time after. There was only the one drifter there for some time.

2084. How soon did she begin to rescue people?—Not until the submarine had gone. As soon as the submarine had fired off the torpedo she went away, I should think a mile away, and you could just see her conning tower in the distance. She was apparently waiting until the "Falaba" sank, and as soon as the "Falaba" sank she went away, and then the drifter came along and picked up passengers. She went round first just to pick up one or two odd passengers that were swimming, and the "Eileen Lanna" picked up. I think it was No. 4 boat, with passengers in her. I was going to make this point. According to the Board of Trade statistics, the three lifeboats which survived could have carried more than the total number of people that were actually saved. Therefore they could not have been overcrowded, because several people that were saved were picked up off the wreck directly out of the water and not picked up from the lifeboats at all, and that shows that the three boats would not have been carrying their full complement of passengers. I would also like to say that it seemed to me to be the opinion of most passengers that, considering the circumstances and that submarines had been active off the Scillies and in the Irish Channel for some time previously and sinking several boats, more than ordinary precaution should have been taken for the safety of the passengers, but apparently none were taken, except that

a few of the boats were swung out. If No. 8 had been swung out she would probably have been lowered with all passengers before the torpedo struck us. I got into No. 7, and No. 7 was the last to leave. No. 8 was still on the deck, not swung out at all up to the time I got into No. 7, which was nearly the last boat that got away. That was the reason why the passengers in No. 8 were lost. I would like also to point out that in my cabin there were three passengers, with only two lifebelts. I pointed this out on the evening we sailed, only as a joke. I made a joke to the passengers and said there were only two lifebelts for three of us, and when I went down for my lifebelt after sighting the submarine, I took it up on deck and did not put it on because I thought I would wait until I saw what was going to happen, but when I saw Nos. 2 and 3 boats lowered down unsuccessfully, I thought I would swim for it, and I commenced to put the lifebelt on, but I could not do it because two of the tapes were broken, and eventually I got a young officer from the Fusiliers, who I think has been drowned. I went up to him and asked him to attach it for me by the aid of a piece of string, and with the two remaining straps he managed to attach it. There were only two lifebelts in the cabin for three passengers.

2085. *The Commissioner*: Were the other two that were in your cabin saved?—One was drowned, and the other saved; the one that was saved is not here.

2086. Have you anything more to tell us?—I do not think so, my Lord.

Examined by MR. BATESON.

2087. What was the number of your cabin?—I could not tell you. I rather fancy it was No. 37; I will not swear to it. Anyway I can tell you where it was.

2088. Tell me where it was?—It was near the smoking saloon on the starboard side. It was a cabin by itself, as it were. You went down a small flight of stairs to it. There were three cabins on the right.

2089. Who was your steward?—I could not tell. I do not think he was saved. I have not seen him since.

2090. *The Commissioner*: You had only been out one day?—Yes.

2091. *Mr. Bateson*: What deck were you on, the cabin?—Yes.

2092. Yes?—On the deck below. You went down one

flight of stairs. It was a sort of 'tween deck cabin, as far as I could make out.

2093. One deck below the smoking room?—Yes; you went down one flight of stairs, and there were three cabins.

2094. Then you went down two flights of stairs from the smoking room?—Not to my cabin.

2095. One flight to your cabin?—Yes.

2096. Now having found out the day before that there were only two lifebelts to three passengers, did you mention that to your steward?—No, because, as I say, I simply made this remark more or less jokingly to my cabin companions. I never thought for one moment that we were going to meet a submarine?

2097. You did not think you would?—No.

Examined by MR. RONALD McDONALD.

2098. When you first saw the submarine, was the "Falaba" trying to escape from her?—I could not say. She was sighted a long time before I got up on deck.

2099. How far off was the submarine when you first saw it?—About a mile, I should imagine.

2100. What pace was the "Falaba" going relatively

to the submarine at that time?—I could not tell you—the ordinary pace, I think, as it seemed to me.

2101. When did the "Falaba" begin to slow down?—After the rocket signal was fired.

2102. *The Commissioner*: Can anyone tell me what the rocket signal signifies. What does it mean?—It was a blue fire-ball.

Examined by MR. HOLMES.

2103. With regard to the identity of those two boats you mentioned, Nos. 1 and 2, are you now satisfied that you were mistaken, and that what you thought was No. 1 was in fact No. 2?—No, I would not like to say. I should think the one that was lowered first end on was No. 1.

2104. The evidence of all the other witnesses is to the effect that that was No. 2?—I cannot swear to it.

2105. If that is so, then the other one was No. 1 that you have been speaking about?—Yes.

2106. And that was the one which you say was lowered to within 10 feet of the water quite safely?—Yes.

2107. Did any people get into that boat from the

promenade deck?—No, I did not see any. She was being lowered before I got round.

2108. And lowered properly?—Yes.

2109. Did you hear Lieutenant Parker in his evidence this morning say that she dropped straight down from the boat deck?—No; that was the one I call No. 1.

2110. On the opposite side?—Yes.

2111. The one you call No. 1 is the one with four people only in it?—Yes.

2112. That is not the one Lieutenant Parker was speaking about. That was the one that was hung up altogether by the foreward end?—What I took to be No. 1 was the one with four passengers in that went down end on.

Examined by MR. JOSEPH COTTER.

2113. Did you receive any orders, or hear any orders given?—No.

2114. When you went down to your room, did you ask for your steward?—No, I did not.

2115. Have you done any other voyages round the coast?—Only one there and back to the coast.

2116. You would have some idea of the routine of those ships on a round voyage?—I have been on other voyages, but I did not want a steward.

2117. You would want a lifebelt if there was one short in the room?—There were two in the cabin.

2118. How many passengers?—Three.

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MR. CHARLES DAVIES.

[Continued.]

2119. That meant that there was a lifebelt short?—Yes. When I went there there was no other passenger in the cabin. There were two lifebelts in the cabin, and I took one.

2120. That meant you wanted a steward to get one of them?—No.

2121. Did you see any of the crew on the boat deck when you went up there?—I did not go upon the boat deck.

2122. You did not go up on the boat deck at all?—No.

2123. You saw No. 2 boat being lowered?—I saw No. 1 boat—what I took to be No. 1—pass me in a flash, going down end on, when I was on the promenade deck. Then I went to the other side of the ship and watched over the rails No. 2 being lowered for the passengers when I was leaning over the deck.

2123A. What you took for No. 1 was No. 2?—It may have been, Sir, but I am simply telling you what I thought.

2124. Now you know you made a mistake in that?—Yes.

2125. Now I want to ask you, how long were you from the time you first saw the submarine until you were in the water?—I did not go into the water. I got into No. 7 boat.

2126. I mean the time at which the boat got to the water?—Yes. I saw the submarine at 10 minutes past

12. I know that for a fact, because I was in my cabin reading; I looked at my watch, and it was 10 minutes past 12.

2127. Was that ship's time, or your own time?—My own time.

2128. When you left Liverpool?—Yes.

2129. 10 minutes past 12?—Yes.

2130. What time would it be when you got down to the water in No. 7 boat?—I should think it was quite a quarter of an hour, or nearly 20 minutes.

2131. That would bring you up to nearly half past 12?—Yes.

2132. Was the submarine still on the port side?—Yes, she came up on the port side and remained off the port side after we had stopped moving.

2133. Do you remember her going down on the starboard side?—No, I do not think she did. I think the "Falaba" swung round after she stopped herself, because after I got off in No. 7 boat, which was launched on the port side, I do not remember crossing the "Falaba's" bow or stern. We rowed away from it, but we were then on the starboard side.

2134. Did you see the torpedo at all?—I saw it strike the ship.

2135. You saw the result of the explosion?—Yes.

2136. *The Commissioner*: Have you anything further to say?—No.

(The Witness withdrew.)

The Commissioner: Where is the Board of Trade Surveyor? I shall want to see him again, not now, but later on.

Mr. Dan Stephens: We are keeping all the ship's witnesses we have called, but I was going to ask your Lordship to allow the passengers to go away. A lot of the passengers want to go away but we are keeping the ship's witnesses.

The Commissioner: You do not want them, Mr. Cotter; you do not want these passengers who have given evidence to wait?

Mr. Cotter: No, my Lord.

The Commissioner: Or you, Mr. Aspinall?

Mr. Aspinall: No.

MR. CHARLES DAVIES, SWORN.

Examined by MR. BRANSON.

2137. Are you a sanitary inspector?—Yes.

2138. You were a passenger on board the "Falaba" on this voyage?—Yes.

2139. And I think you were in your state room when the submarine was first sighted, were you not?—I must have been. I was reading there at the time, I know, anyway.

2140. Did you go on deck?—I went into the second-class dining saloon.

2141. Where was the submarine then—could you see her?—I saw her through the window, I should say, about a mile nearly directly astern.

2142. Did you hear any summons from the submarine? No, I heard nothing of that kind.

2143. Did you go on deck then?—No, I went below to my cabin and got my greatcoat on, and then came up on deck.

2144. What was that for—did you expect to have to take to the boats then?—I did not know what was happening, and I thought I might as well be warm as cold.

2145. Then when you came on deck after getting your greatcoat on, what was the position of affairs then?—Of course, most of the passengers were on deck, and the submarine, as far as I recollect, was on the port side—on the port quarter.

2146. And you say you heard no summons from the submarine?—No, I heard no call or order or anything of that. I saw flags flying—three or four flags—but I could not say how many exactly.

2147. Did you get away in a boat?—Yes.

2148. When did you go to the boat?—I suppose it would be about 12 o'clock.

2149. Did you go there because you saw other people going there, or because you were told, or what?—No, I was not told, but I heard somebody say "Make for the boats," but certainly not in the shape of an order. It was a case of "follow your leader." I went after them.

2150. Which boat did you go to?—No. 4.

2151. Was she properly lowered?—Yes.

2152. And got away safely?—Yes.

2153. Did you see any other boats being lowered?—I saw the attempt at No. 2 and I also saw No. 3 started from the deck.

2154. When you say started, you would be on the promenade deck level?—Yes.

2155. Did you see any of the ship's boats in the water after the ship had been struck?—Yes, I saw three or four. I could not exactly say how many—but three or four.

2156. What was the condition of them?—Three or four seemed to me to be riding all right, and there would be two or three others—these would be two, I should say—turned over. One appeared smashed, and sank to the level of her gunwales, and the other had some passengers in her, and she appeared more or less full of water. I should say altogether six or seven boats, anyway.

2157. How did your boat manage? Did she make water?—She took in about six or eight inches, I suppose.

2158. Was that by the time you got to the drifter?—Yes. There was a certain amount of baling done, but not much, I think.

2159. You got on board the "Eileen Lanna"?—Yes.

2160. Now is there anything else which you think you would like to tell the Court?—No, I do not know that there is anything else.

Mr. Butler Aspinall: I have no questions, my Lord.

The Commissioner: Now are you sure that this gentleman has said all that he wants to say?

Mr. Branson: I have asked him, my Lord. I cannot do anything more.

2161. *The Commissioner (to the Witness)*: Do you want to add anything to what you have already said?—No, my Lord.

(The Witness withdrew.)

21 May, 1915.]

MR. WILLIAM J. J. THOMAS.

[Continued.]

MR. WILLIAM J. J. THOMAS, sworn.

Examined by MR. BRANSON.

2162. Are you a foreman mason on the breakwater at Sekondi?—Yes.

2163. You were a passenger on board the "Falaba"?—I was.

2164. Did you see the submarine?—I did, distinctly.

2165. Did you hear any summons from the submarine?—I heard him shouting something, but I did not understand him.

2166. What did you do? Did you see any of the boats launched?—No, I did not see any boats launched.

2167. What happened to you? Did you get away in a boat?—Yes. I was down in my cabin and I woke up and walked straight up and got into—I did not know the number at the time—but it must have been No. 3 boat that I got into.

2168. Was she lowered all right?—She went down all right. She did not go down evenly, she went down with a few jerks, but she went down fairly well.

2169. Was she full of passengers?—She was. I think I was about the last man to get into her.

2170. She got away from the ship all right?—Yes, she got away from the ship all right, and I pulled away, myself and one or two others.

2171. You told us you saw none of the others launched. Did you see any of the other boats in the water?—When I got up to look at this boat I looked over the side of the ship and I saw all the passengers of No. 5 in the water and the passengers that got into No. 1 were all in the water. They were all in the water, but I did not see the boats launched.

2172. What about the condition of your boat?—Well, I have nothing to say about the condition of it. It was pretty full. She had a mast and a sail right in the centre of her, and that stopped us from rowing. I could not handle the oar that I had very well. As I was rowing I could not get it down to get it out of the water.

2173. Did she leak?—Yes, she had about 4 inches of water in the bottom.

2174. You mean by the time you got to the trawler?—No, a few minutes after we got away from the ship.

2175. Did you see where the water was coming in?—No, I did not. It must have been somewhere in the bottom I should think. And she also took two waves in over as we were pulling across.

2176. Is there anything else that you would like to say to the Court?—There is one thing I should like to say, and that is that one of the Stewards said to me—I think it was on the trawler—I am not sure, but he said he went into the bathroom about half-past four on Sunday morning and he saw a man in there with an electric torch signalling out through the porthole. One of the stewards said this to me, and I thought it was rather a funny thing to do, and I asked him why he did not report it, and he said it did not occur to him at the time. It struck him after the ship went down.

2177. *The Commissioner*: When was it that you say this happened?—About half-past four on Sunday morning.

2178. It was dark at the time?—I could not say. I was in bed, my Lord.

2179. It was the 28th of March, was it not, about half-past four in the morning I understand?—Yes.

Examined by MR. JOSEPH COTTER.

2180. Do you know the name of the steward?—No, I do not know the name, but he was a shortish dark man.

2181. Can you tell me where he worked. Was he working in the room you slept in?—No, I do not know. I should think he must have been the bathroom steward.

2182. You do not know. It was only just a conversation?—Yes. I only heard him say it just the time that he said it to me.

2183. How long from when you saw the submarine was it till you got into No. 3 boat?—Well, I do not suppose it was more than about three or four minutes.

2184. When did you first see the submarine?—About half-past twelve.

2185. She would be quite abeam then?—She was on the port side, lined up steady.

2186. How far away?—Perhaps 100 yards away I should think.

2187. And you heard nothing of the submarine until half-past twelve?—I heard three whistles when I was in the cabin.

2188. You had not heard about the submarine?—No; only I heard a passenger come down there and who said there was a submarine round us outside.

2189. Did you hear no orders given?—I heard no orders whatever—no orders given to me.

2190. Who told you there was trouble at the side of you in the shape of a submarine?—A fellow-passenger came down to fetch an overcoat. I was in the cabin. He said he wanted his overcoat; there was a submarine outside and I thought it was time to get out then and I walked up.

2191. Did you get a lifebelt?—No, I went without one.

2192. You went into the boat without a belt?—Yes.

2193. Did you see any of the crew assisting the pas-

sengers on the deck?—When I was coming up and getting up along the passage where our bunks were I met four or five officers running down, or I will not say four or five, but there must have been three. There must have been three officers at least coming down as I was going down the steps, and I said "What's up" and they never answered me. They went right on down.

2194. They never answered you at all—never said anything to you?—No, they seemed to be in a hurry to get something or other.

2195. Did you see any of the crew when you got up on the promenade deck?—When I got out on the promenade deck I walked along to the steps to the boat deck to get on to the boat deck and there was an officer coming down there again and I said "What's up?" and he said "All hands on deck."

2196. Then you did hear an order?—I asked for it. I heard no order previous to that.

2197. When you got to the boat deck did you find any of the crew there without officers?—No, I did not see anyone; I did not notice anyone any way—but there must have been someone there, because the boat was lowered.

2198. Was there an officer in your boat?—Yes, I should think he was one of the engineering staff or connected with the boilers or something.

2199. Do you know who lowered your boat?—No, I could not say who lowered it.

2200. Whether it was members of the crew or passengers, or who?—I could not say.

2201. Did you hear anybody give an order to lower a boat?—I did not.

2202. *The Commissioner*: Is there anything more that you would like to add?—No, my Lord.

(The Witness withdrew.)

The Commissioner: Have you any other witnesses?

Mr. Branson: That is all the passengers whose statements we have got except one who is ill, and those are all the witnesses we have here this afternoon.

The Commissioner: Then would you like to rise now?

Mr. Branson: If your Lordship pleases.

The Commissioner: Very well, then we will sit again next Thursday. That, I understand, is the arrangement?

Mr. Branson: Yes.

The Commissioner: We will sit at half past 10 on Thursday next, and we are also going to sit on Friday, Mr. Aspinall.

Mr. Butler Aspinall: If your Lordship pleases.

The Commissioner: We can make no further arrangements till then.

Mr. Branson: If your Lordship pleases.

[Adjourned till Thursday next at 10.30 o'clock.]

In the Wreck Commissioner's Court.

CANTON HALL, WESTMINSTER, S.W.,

Thursday, 27th May, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,

Acting as Assessors.

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "FALABA."

THIRD DAY.

MR. BRANSON and MR. DAN STEPHENS (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. BATESON, K.C., and MR. MAXWELL (instructed by Messrs. Forwood and Williams, of Liverpool) appeared as Counsel for the Owners, Mr. John Craig, Managing

Owner, Captain Peter William Thompson, Marine Superintendent, and Mr. W. C. Baxter, Chief Officer.

MR. HOLMES appeared for relatives of the Captain.

MR. RANALD McDONALD (instructed by Mr. Lewis W. Taylor) appeared for Lieut. C. C. R. Lacon, a passenger.

MR. COTTER appeared for the National Union of Stewards.

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27 May, 1915.]

MR. WILFRED AUSTIN.

[Continued.]

Mr. Groebel: Would your Lordship allow me to appear on behalf of Dr. Given, the Administrator of G. K. Given, a first-class passenger, who died on the sinking of the "Falaba"?

The Commissioner: Will you tell me what it is you want to do?

Mr. Groebel: I should like, when opportunity occurs, to ask questions in cross-examination.

The Commissioner: We have already had four or five people asking questions in cross-examination. One person represents a passenger. I hope you do not imagine that I can allow every single passenger who was unfortunate enough to lose his life to be represented here.

Mr. Groebel: That I quite appreciate.

MR. WILFRED AUSTIN, SWORN.

Examined by MR. BRANSON.

2203. What are you?—I was a merchant in West Africa

2204. Were you a passenger on board the "Falaba" at the time of this disaster?—Yes.

2205. *The Commissioner:* Would you rather make a statement of what you have to say, or would you prefer to be examined?—I would prefer to be examined.

2206. *Mr. Branson:* Your berth I think was about amidships?—Yes, as far as I can remember.

2207. I think you were in your berth and asleep when this submarine was chasing your vessel?—Yes.

2208. What was the first you knew of the presence of the submarine?—A fellow-passenger, named Owen, woke me up and told me there was a submarine alongside, and I had better get a lifebelt on.

2209. *The Commissioner:* What time was this?—I did not look at my watch, but I should say roughly about 12 o'clock.

The Commissioner: So many of you appear to have been asleep at 12 o'clock in the day, which strikes me as odd.

2210. *Mr. Branson:* However, you think it was about mid-day?—Yes.

2211. When you were told that, did you go and put a lifebelt on?—No; I went on deck and saw the submarine and then went for a lifebelt.

2212. How far away was the submarine when you saw her?—Roughly about a hundred yards.

2213. Stationary?—Yes, with the crew on deck.

2214. Was the "Falaba" stationary too?—Yes.

2215. Having seen the submarine, what did you do?—Went below for a lifebelt and came on deck again.

2216. Having put it on?—Yes.

2217. And then?—I followed a great number of other passengers to the boat deck and heard someone shout "No room here," and I walked down to the second-class deck again.

2218. *The Commissioner:* No room on the boat deck?—Yes.

2219. *Mr. Branson:* "No room here; all boats full." Was that it?—Yes.

2219A. Then what did you do?—I walked down to the second-class deck and saw a boat being lowered, full of people. I asked if there was room for me, and was told to get in, and I got in.

2220. Do you know what boat that was?—The number do you mean?

2221. Yes.—No.

2222. Do you know where it was with regard to the side of the ship?—No.

2223. *The Commissioner:* You cannot say whether it was port side or starboard?—It was on the left hand side looking forward.

2224. *Mr. Branson:* And you cannot help us by telling us whether it was in the middle of the ship?—Yes, I think it was in the middle of the ship; and I think it was the last but one to leave the ship.

2225. You got into that boat, did you?—Yes.

2226. How many were in it when you got in?—It was packed as tight as could be. I should say quite forty.

2227. Was that lowered safely?—Yes.

2228. And you got away?—We got away.

2229. Did you see any other boat being lowered?

The Commissioner: When do you say I ought to stop allowing people to appear?

Mr. Groebel: I am in your Lordship's hands.

The Commissioner: You can stop here, of course, and when you want to ask a question, if you think it is of real value, write it down and send it up to me.

Mr. Groebel: If your Lordship pleases.

The Commissioner: I understand now, Mr. Branson, you propose to go on with the Inquiry, notwithstanding that we have lost the services of the past Solicitor-General.

Mr. Branson: Yes, my Lord. And may I say, before proceeding to call the officers and crew, there is another passenger I want to call?

The Commissioner: Certainly, by all means.

—Yes, I saw one being lowered, and I saw two break away from the davits and fall into the water.

2230. Which two were those?—I cannot say.

2231. Were they on the left-hand or the right-hand side?—They were on the same side as myself.

The Commissioner: Then those were Nos. 2 and 6.

2232. *Mr. Branson:* They must have been 2 and 6. (*To the Witness.*) When you said broke away, will you describe what, in fact, you saw?—It appeared to me that the boats fell through faulty ropes, or something of the sort.

2233. *The Commissioner:* Or through faulty handling?—Possibly.

2234. *Mr. Branson:* All you saw was one end of the boat fall down?—Both ends of one seemed to fall simultaneously, and the boat fell into the water and smashed one end. One end broke and fell end on.

2235. Can you tell us which one fell into the water with a splash?—No.

2236. Was it the one before you?—No, the one after me.

2237. That was the one that fell into the water and broke?—Yes.

2238. That is not the story we have heard about No. 2?—Of course, I am not clear on the positions of the boat. It is a long time ago.

2239. I gather you thought it was astern of you?—Yes.

2240. However, one, you say, fell bodily into the water flat and broke?—Yes.

2241. And the other?—One end broke away and it hung on.

2242. *The Commissioner:* Are you able to tell us how many people were in these two boats, respectively—how many were in each boat. If you are not able to tell us, do not try?—I cannot tell you.

2243. *Mr. Branson:* Are those all the boats you noticed?—No. I saw several others in the water after I got into the water. I saw two upset, floating keel upwards.

2244. *The Commissioner:* Were they the two you had seen come to grief?—No, I do not think so.

2245. *Mr. Branson:* Did you see them on the same side of the ship, or on the other side?—The same side.

2246. And two you say were floating keel upwards?—Yes.

2247. And another?—Another the right way up, with very few people in it and a soldier was steering it. It was the only boat, according to my recollection, which had a rudder. I do not know what boat it would be.

2248. At this time when you were in No. 4 boat in the water on the left hand side of the ship, could you see the submarine?—Yes.

2249. *The Commissioner:* What side of the ship was the submarine when you first saw it?—I really cannot say for sure.

2250. *Mr. Branson:* However, after you got into the boat, whichever side it was on, you saw it?—Yes.

2251. How close to it were you?—To the submarine?

2252. Yes.—I should say within 300 or 400 yards.

2253. *The Commissioner:* I thought you said when you first saw it after coming up from your bunk it was 100 yards off?—Yes, from the "Falaba."

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MR. WILFRED AUSTIN.

[Continued.]

2254. *Mr. Branson*: On leaving in the boat, did you row away from the side of the ship?—Yes, we pulled away.

2255. And having pulled away you saw the submarine about 300 yards away?—From us, yes.

2256. From your boat?—Yes.

2257. Did you hear or see the torpedo fired?—I heard it fired and I saw the explosion.

2258. Was it at that time that the submarine was about 300 yards from your boat?—Yes.

2259. *The Commissioner*: Were you on the same side of the "Falaba" as the submarine?

2260. *The Commissioner*: Then according to the evidence that was on the starboard side?

2261. *Mr. Branson*: When you rowed away from the "Falaba," did you go towards her head or towards her stern?—I do not know.

2262. Did you notice, or were you in a position to see when you saw the explosion, whether there were any boats being launched?—Yes, there was one still in the davits.

2263. Was that near the stern or the bow of the "Falaba"?—I cannot say.

2264. Can you tell us what happened to that boat when the torpedo exploded?—I could not say.

2265. *The Commissioner*: Can you tell us how many boats belonging to the "Falaba" you saw altogether?—how many different boats?—I could not say.

2266. Can you give me any idea?—Do you mean in the water.

2267. Yes?—Three.

2268. Counting the two that came to grief?—There were five with those two.

2269. Did you see five, including those two?—Yes.

2270. Or in addition to those two?—No, including those two.

2271. *Mr. Branson*: I think you were subsequently picked up by one of the steam drifters?—Yes.

2272. What was that—the "Eileen Emma"?—I was picked up by the dinghy of the "Eileen Emma" and put on board the "Emulate."

2273. Is there anything else you want to tell the Court?—I should like to say, personally, that the boat I was in was leaking like a sieve, and did not live more than a quarter of an hour after we went into the water.

2274. *The Commissioner*: Then what became of you?—The boat upset. I was thrown out and found a bundle of oars.

2275. How long were you in the water?—My memory left me after a time, but counting the time between the time the "Falaba" was blown up and the time the fishermen picked me up, I should say three and a half hours.

2276. Now this boat which you say was like a sieve contained 40 people?—Yes.

2277. Were you hailed by anybody in the water?—Yes.

2278. Were you able to take anyone in?—No, there was not room. We had not even room to stoop down to bale, we were so tightly packed.

2279. Did you hear anyone in your boat refuse to take anyone in?—No.

2280. I thought you said you were hailed by some people from the water?—Yes.

2281. What answer did you give?—I cannot remember.

2282. Do you know whether you gave an answer at all?—No, I cannot say.

2283. But if you had given an answer it would have been that you were too full?—We were too full, and the boat was also unmanageable. We only had two oars.

Mr. Branson: The witness's recollection about the boat must be wrong; it must have been boat No. 6.

The Commissioner: The evidence at the present moment is so confusing and confused about the different boats that it is quite unreliable.

Mr. Branson: But his reference to a military man at the helm seems to point to its being No. 6, and not No. 4.

2284. *The Commissioner*: Possibly. (*To the Witness*.) Is there anything else you would like to add?—No.

Examined by MR. BUTLER ASPINALL.

2285. Did you make any statement to any official of the Board of Trade or Colonial Office, or did you come here to-day to volunteer your evidence?—I was written to by Sir Ellis Cunliffe, and I made a statement to him.

2286. How long ago was that?—A week ago.

2287. So that until a week ago you had not put your story on paper?—Yes: It had been in the "*Daily Chronicle*" and the local papers at my home.

2288. *The Commissioner*: Was it published?—Yes.

2289. Have you a copy of the newspaper?—I think I have at home.

2290. Not here?—No, not with me.

Examined by MR. COTTER.

2291. Can you tell me the number of the room you slept in on the "Falaba"?—I cannot for certain, but I think it was 26.

2292. Were any orders given from the stewards to you?—None.

2293. Did you hear any orders given?—None.

2294. From the officers or any members of the crew?—No.

2295. You say you went on deck and you heard some one say it was crowded?—I cannot exactly remember the words, but it was to the effect that it was no use remaining on the boat deck.

2296. Can you give an approximate time for that?—No, I cannot.

2297. Could you see the submarine about that time?—Yes.

2298. How far was she off the ship?—Roughly 100 yards.

2299. Did you see any members of the crew while you were going up the companion way?—No.

2300. Were you in Court last week?—No.

2301. Do you know a Mr. Chiswell?—No.

2302. So that if anybody stated there was nobody on the deck at 12 o'clock, when the submarine was practically 100 yards off, there must have been some mistake. If a passenger said there was no one at all on deck—

The Commissioner: But you know, in order to make these questions of any use, you must tell me what the time was when the man says he saw no one on deck. This gentleman speaks, as I understand, of a time when the submarine was about 100 yards away from the "Falaba." How far away from the "Falaba" was the submarine at the time Mr. Chiswell says there was no one on deck?

Mr. Cotter: I am taking this gentleman's statement—about 12 o'clock.

The Commissioner: "About 12 o'clock," when it is a question of a few minutes is no good to me. If you have any evidence or can show me any evidence already given fixing the time when Mr. Chiswell says he saw no one on deck, that will help me.

Mr. Cotter: Mr. Chiswell says 12 o'clock.

The Commissioner: Did he say 12 as it was striking, or about 12?

Mr. Cotter: Question 1015 is the question.

The Commissioner: Yes. There, read it.

Mr. Cotter: "And it would be about 12 o'clock?—About that."

The Commissioner: That is no help to me, because a man talks about its being about 12 o'clock when it is only half past eleven.

Mr. Cotter: Yes, but it would take a considerable time to pack a boat deck and fill the boats; that is

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MR. BERTRAM THOMAS PEATE.

[Continued.]

the point. The witness says when he got to the boat deck someone practically told him the boat deck was crowded.

2303. *The Commissioner*: I did not understand him to say that. At first I did understand him to say so; but what I finally understood him to say was that when he was getting on to the boat deck he was told there was no room in the boat. (*To the Witness*) Do you mean to convey that the boat deck itself was so packed that you could not get on to it?—Yes.

2304. Then Mr. Cotter is right. Now, there were 250 people on this vessel. Have you any idea how many people the boat deck would hold?—No, I have no idea.

2305. Well, I think it would hold a great many more than 250, and many of the boats were by this time full; so I am quite at a loss to appreciate how the boat deck could have been so packed that you could not get on to it?—I could get on to it.

2306. Then it was not so packed that you could not get on to it. I want you to be as careful as you can. You see I cannot credit under the circumstances that there was no room on the boat deck?—I got on to the boat deck. I stated that.

2307. Then you did get on to the boat deck?—Yes.

2308. I thought you said you tried to get on but went away because somebody called out that there was no more room in the boat?—Yes.

2309. Which was it, in the boats, or on the deck?—It was shouted out from the boat deck, and the words were "There is no room in the boats for anybody else."

2310. *Mr. Cotter*: Where were you when you heard that?—I was on the boat deck.

2311. Can you point out on the plan which boat it was you got into?—No, I cannot.

2312. I suggest to you that it was No. 6 boat you got into—this one forward on the port side?—Quite possibly, yes.

2313. *The Commissioner*: Is it possible it was No. 4?—It was possible it was either of them; I cannot remember clearly.

2314. Is it possible it was No. 2?—No, it was not so far aft as that.

2315. Then it was 4 or 6, and you cannot say which?—Yes.

2316. *Mr. Cotter*: Do you remember seeing the boat collapse from the davits?—Yes.

2317. Can you give us any idea which one that was?—No.

2318. Whether it was No. 2, 1 or 5, you cannot say?—No.

2319. Or which side of the deck?—No.

2320. Did you see any member of the crew on the deck, any sailors, or stewards, or officers?—Yes, I saw several officers.

2321. What were they doing?—Helping to lower the boats.

2322. Can you tell us where they were—what part of the deck?—When?

2323. When they were trying to lower the boats?—On the boat deck.

2324. But what part?—I could not tell you.

2325. Was it forward or aft, or where?—I was at the top of the gangway. I just got to the top, no further.

2326. The main companion, do you mean?

2327. *The Commissioner*: Had you ever been on the "Falaba" before?—No.

2328. And you had been on her since six o'clock on the previous night?—Yes.

2329. When did you go to bed?—I could not say.

2330. We know you were not up before about 12 o'clock?—I had been up to breakfast.

2331. You had been up and gone to bed again?—I was not in bed.

2332. I thought you said someone came and woke you up?—I was sleeping; I was not in bed. I was lying on the settee.

2333. *Mr. Cotter*: Did you see a military officer in uniform in your boat?—No, I do not recollect.

2334. Was yours the boat which had the bottom fall out?—Not to my recollection.

The Commissioner: Is this the boat from which the keel fell away?

Mr. Cotter: That is the one, my lord.

The Commissioner: Are you sure?

Mr. Cotter: That is the one as to which the evidence was given—No. 6.

2335. *The Commissioner*: But he says he does not know whether he was in No. 6 or No. 4. (*To the Witness*.) Did the keel of your boat float away?—No. The boat was intact when it turned over.

The Commissioner: Then if the keel ever did float away, which I very much doubt, it was not the keel of this boat.

2336. *Mr. Cotter*: No. 6 was the boat which became waterlogged, which Captain Harrison said was rotten?—I was in the same boat as Captain Harrison.

Mr. Cotter: That was No. 6.

Mr. Branson: No. 2 was the boat the keel of which floated away.

2337. *Mr. Cotter*: And Captain Harrison said No. 6 became waterlogged. (*To the Witness*.) How long were you in your boat in the water before the water rose to about 2 feet, I think it was stated?—Roughly, a quarter of an hour or twenty minutes.

2338. What did you do then?—I swam for it.

2339. Were you all thrown out of the boat?—Yes.

2340. What threw you out?—It was so waterlogged that it would not rise to the crest of a large wave and the wave washed over us and washed everybody out.

2341. Were you picked up by one of the other boats?—I was picked up by the dinghy of the "Eileen Emma."

2341A. *Mr. Taylor*: You mentioned that you saw several officers. Were they the ship's officers?—Yes.

2342. Can you tell me the number?—No.

(*The Witness withdrew.*)

MR. BERTRAM THOMAS PEATE, SWORN.

Examined by MR. DAN STEPHENS.

2343. *Mr. Stephens*: We are now, my Lord, passing to the evidence of the officers. (*To the Witness*.) Were you second engineer on board the "Falaba" on this voyage?—Yes.

2344. I think about mid-day on Sunday you were in your room?—Yes.

2345. *The Commissioner*: Did you see your men come on board?—Come on board the ship?

2346. Yes.—Yes.

2347. What time did they come on board?—They came on board at different times.

2348. But about what time did they come on board—the engineers, I mean?—Somewhere about 10 o'clock on the Friday night.

2349. Then they slept on board, did they, on the night before you started?—Yes.

2350. Were they sober?—Yes.

2351. Were they all sober?—Yes, perfectly.

2352. *Mr. Stephens*: You had been two years in the vessel, I think?—Yes, over two years.

2353. As second engineer?—Yes.

2354. Had you a boat station?—Yes.

2355. Which was your boat?—No. 1.

2356. On the former voyages was there boat drill?—Yes.

2357. How often?—Once a week, as a rule. On the previous voyage coming home from Las Palmas the boat drill was frequent, in fact, about every other day.

2358. On the day of this disaster you have told us you were in your room. Did you hear the telegraph bell ring?—Yes.

2359. What time was that?—By the clock on my table it was four minutes past 12. I took it for 12 o'clock.

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MR. BERTRAM THOMAS PEATE.

[Continued.]

2360. Then what happened. When you heard the telegraph bell ring, did you hear the third officer call out?—Yes, a few minutes after.

2361. Did you hear what he said?—I heard him ask for the chief, and say there was a submarine after us.

2362. What did you do?—Went below immediately.

2363. What did you do then?—The third engineer was mistaken over the time, as I had to take the watch over, and I told him to go into the stokehold and stop his men drawing the fires as there was a submarine after us.

2364. Did you open the fan engine?—Yes, I opened it full up.

2365. *The Commissioner*: How many knots were you making when you heard that there was a submarine in sight?—Roughly about 13.

2366. *Mr. Stephens*: How many boilers had you on board the ship?—Four.

2367. How many of them were alight at the time?—Four.

2368. Then I think you got an order to stop?—Yes.

2369. *The Commissioner*: After you stopped did you go astern?—No; that was the last order rung down.

2370. The only order you got from the bridge was to stop?—Yes.

2371. You got no other order?—No.

2372. And you did nothing but stop?—Stopped, that was all.

2373. *Mr. Stephens*: After the order to stop, did you hear a call of "all hands on deck"?—Yes.

2374. Then I think you went on deck?—No.

2375. What did you do?—I went up the ladder and met the chief at the top of the engine-room ladder. He told me then to get all the men up.

2376. Did you get the men up?—Yes.

2377. Then did you go on deck?—I went to my room after.

2378. Having gone to your room, did you get warm clothing?—Yes.

2379. Then did you go on deck?—Yes.

2380. What did you see when you got there; did you see the submarine?—Yes, I saw the submarine immediately I went on deck.

2381. How far off was she?—About 80 yards.

2382. How did it bear to the ship?—It was broad-side on to us, on the port side.

2383. Did you see any of the lifeboats?—Not until I went up on to the saloon deck.

2384. Did you then see them?—Yes.

2385. Did you go to No. 1?—Yes, but that was gone.

2386. Did you see anything of it?—I saw it was in the water with a lot of people floating round it, it having been, evidently, upset.

2387. Where did you go to then?—I went away along the deck. No. 3 was pulling away then.

2388. Did you see No. 2 at all?—Yes.

2389. What was her condition when you saw her?—She was hanging by one fall as I went up on deck.

2390. And No. 3 was pulling away. Where did you go then?—To No. 5, which was being lowered.

2391. How far down was she when you got to her?—Down to about the saloon deck when I got there. Then I went away to the main deck.

2392. Did you get into No. 5?—I went into No. 5.

2393. Did you get any order when you got into No. 5?—Yes. She was stationary by the main deck when I got into it, and there were no other people about, so I sung out "lower away."

2394. Then what happened?—One end was let go.

2395. Which end?—The forward end.

2396. Can you explain how it came about. Did you see what happened?—No, I think both ends were lowered together and one end stuck fast.

2397. You said the forward fall appeared to be let go and the after one jammed?—Yes, they did not run.

2398. Why was that, do you know?—

The Commissioner: Which boat are you dealing with now?

2399. *Mr. Stephens*: No. 5, my Lord?—No, I could not say why they did not run.

2400. Did you see any turns in the tackle, or anything of the sort?—Yes, they were twisted.

2401. Were they sufficiently twisted to stop its running?—No, it is quite possible that the end of the fall was twisted and jammed in the block.

2402. That you could not see?—No.

2403. What happened to the boat?—The bow end of it went down into the water and the after end had to be cut away.

2404. The after falls were cut away by a man in the boat?—Yes.

2405. Then what happened to the boat?—She filled immediately.

2406. What made her fill. Did she take a sea on board?—Yes: the bow end was in the water, and immediately she was let go she scooped it up.

2407. After falling what did she do?—Turned over.

2408. Did that throw the people out?—Yes, they were all thrown out immediately.

2409. Do you know what officer was stationed to No. 5 boat?—No, I could not say.

2410. When the boat turned over did you cling to her?—Yes, I went down first, but when I came up again I did.

2411. What happened to her: did she drift away from the ship?—Yes.

2412. Did you see the submarine?—Yes.

2413. Where was she at this time?—On the star-board side of the ship, bow on to amidships.

2414. Did you see the torpedo fired?—No, I did not see the torpedo fired. I saw the explosion.

2415. What did the submarine do then?—We were all in the sea, and I was clinging to the side when the submarine sailed by.

2416. Did she sail by you?—Yes.

2417. How close did she get to you?—Perhaps about 30 yards.

2418. *The Commissioner*: This was before the explosion, was it?—No, after the explosion.

2419. *Mr. Stephens*: Could you see the people on board her?—Yes.

2420. What were they doing?—They were all standing up on the deck. I could not see exactly what they were doing.

2421. *The Commissioner*: How many were there?—Roughly, about a dozen.

2422. *Mr. Stephens*: Did they try to help any of you in the water?—No.

2423. *The Commissioner*: Will you tell me what, in your opinion, they might have done to help?—By the size of the submarine they could have picked up a great many people and taken them on her deck: in fact, if I could have got hold of the submarine, I could have got on her deck myself.

2424. Do you think they could have got people out of the water?—Yes.

2425. How?—Pulled them out. They could have reached with their hands and pulled them out.

2426. Do you mean to say they were standing so close?—Yes. By stooping down and reaching out they could have pulled people out.

2427. Were there any people so near to them that they could have pulled them out?—Yes, any amount.

2428. We have heard about these men on board the submarine jeering and laughing; did you see anything of that?—No.

2429. Would you have seen it if it had been taking place?—Yes, I think so.

2430. And you did not see it?—No, I did not see it.

2431. *Mr. Stephens*: Then I think you got some oars under your arms and were ultimately picked up by the "Eileen Emma" about 4.45 p.m.?—Yes.

2432. Were you unconscious when you were picked up?—Yes; I do not remember being picked up.

Examined by MR. BUTLER ASPINALL.

2433. Do you remember your boat, No. 5, having this mishap?—Yes.

2434. When she fell in the way she did, did she

crush against the ship's side?—I could not say exactly what she did, but I got hurt with it.

2435. You got hurt with what?—With the boat.

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MR. HARRY H. PENGILLY.

[Continued.]

2436. What was that due to. Did the boat crush you against the ship's side?—Yes, it must have been; I did not particularly notice it except having the breath knocked out of me. But when I was taken ashore I was found to have two fractured ribs.

2437. Is it your view, after thinking it over, that you were crushed between the boat and the ship's side?—It may have been that, or it may have been that the thwart of the boat came on my back in the water.

Examined by MR. COTTER.

2438. How long have you been in the employ of Elder, Dempster, and Company?—Ten years in June.

2439. So that you would have a good knowledge of boat drill and of a boat's equipment?—Yes.

2440. On the previous voyage, did you take part in the boat drill?—Yes.

2441. Did you see whether the boats contained enough oars for each rowlock?—Yes, the boats always had a sufficient quantity of oars.

2442. And plugs?—Yes.

2443. Were those plugs fastened with chains?—Yes.

2444. Rudder and tiller?—Yes; in the boat I was in, No. 1, it always had a rudder, because on previous boat drills I had gone away in charge in boat-races.

2445. So that you knew what the boats contained?—Yes.

2446. Did you ever find any of the boats with lumber in?—No—just the boat's gear.

2447. When you heard about the submarine, did you hear any orders?—No, I did not hear any orders except singing out, "All hands on deck."

2448. That is a very important order, is it not?—Well, I heard that when I was in the engine room.

2449. Did you see any of the crew when you were making your way up on to the promenade deck?—No. As a matter of fact, I was pretty late going up.

2450. How many boats were in the davits when you got up, can you tell us?—I could not say.

2451. Can you give us any idea?—I only know of two, that was, No. 1, my own boat, and No. 2, which was lying by one fall. No. 1 boat was down in the water.

2452. Had it collapsed?—I could not say what had happened to it. I just noticed it from the boat deck.

2453. When you noticed it, what position was it in?—She was full of water and crowds of people round about it.

2454. Where were the people?—Clinging round the boat.

2455. Did you see No. 2?—Yes.

2456. What happened to No. 2?—It was hanging by one fall.

2457. Was that on the davit?—Yes.

2458. How long did it hang?—I could not say. I walked straight up to the boat deck.

2459. You saw that from the promenade deck?—As I was going to the boat deck, I noticed No. 2 boat hanging by one fall.

2460. Anybody in it?—No, there were no persons in it when I saw it.

2461. Are you sure?—Absolutely.

Examined by MR. TAYLOR.

2462. Can you tell me the time when you got the order to stop?—Yes, 12 minutes past 12.

2463. I understood you to say that your station was No. 1 boat?—Yes.

2464. Can you tell me who was in charge of the falls of that boat?—I could not say, I am sure.

2465. You were not in charge?—No.

2466. Did you go to No. 1 boat?—No. 1 boat had gone when I went up to the boat deck.

2467. Can you tell me whose duty it is to see that the plugs are put into the boats?—Whenever we have gone to boat drill we have generally attended to our own boats, and whoever is in charge of a boat generally sees that the plug is in, the first thing.

Re-examined by MR. BRANSON.

2468. Was it 12 minutes past 12 by the engine-room clock?—Yes, that was by the engine-room clock.

(The Witness withdrew.)

MR. HARRY H. PENGILLY, SWORN.

Examined by MR. BRANSON.

2469. I think you were third officer of the "Falaba"?—Yes.

2470. Do you hold any certificate?—Yes.

2471. What is it?—A certificate as second mate.

2472. When did you join the ship?—I was transferred from another ship on the Thursday before sailing.

2473. Was this your first voyage in the "Falaba"?—It was my first voyage in the "Falaba."

2474. Were you transferred from another ship belonging to the same line?—Yes.

2475. When you went on board had you any boat station?—No.

2476. Was there no list in your cabin?—No.

2477. Did you see the crew come on board that night?—I saw the crew on board about 6 o'clock on Saturday morning.

2478. Were they all right?—Most of them were.

2479. *The Commissioner*: What do you mean by that?—Some of them were not quite sober.

2480. This was 6 o'clock on what morning?—On the Saturday morning of sailing, the 28th March.

2481. Did they remain on board till you started at 6 o'clock at night?—They remained on board till we left the river.

2482. And I suppose they remained on board when you did leave the river?—Yes.

2483. Were they sober then?—Yes, perfectly sober then.

2484. *Mr. Branson*: At the time this submarine was sighted I think you were on watch on the bridge?—Yes.

2485. And it was you who first reported the submarine?—Quite correct.

2486. When you reported her how far was she from you?—I should estimate her about 3 miles off.

2487. Where away?—About 3 points abaft the star-board beam.

2488. And I think your course was altered to keep her astern?—Yes.

2489. But she was too fast for you and overtook you?—Yes.

2490. Did you see any signals on her at any time?—When I first sighted her she was flying an ensign and a two-flag signal.

2491. Could you make out the ensign at that distance?—Not at that time.

2492. Did you ever make out that ensign?—Just before she really overtook us I made out she was flying a German ensign.

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MR. HARRY H. PENGILLY.

[Continued.]

2493. Was that the same one she had been flying all the time, or had she changed it?—I cannot say.

2494. And she was flying, you said, a code signal?—A two-flag signal.

2495. Did you read it?—I had no opportunity.

2496. *The Commissioner*: Where were you?—On the bridge.

2497. *Mr. Branson*: How many years have you been at sea?—About 12.

2498. What was the wind like?—It was blowing a moderate breeze about E.S.E.

2499. Was there any swell or sea?—A little sea.

2500. From which direction?—About E.S.E.

2501. Was it sufficient to affect the "Falaba"?—Not at the time.

2502. What do you mean by "not at the time"?—Not at the time of sighting the submarine.

2503. At any time?—After the submarine sunk her the sea got very choppy.

2504. When you sighted the submarine was the "Falaba" flying any flag?—No.

2505. Did she fly any flag at any time?—Not that I am aware of.

2506. After a while the submarine drew nearer, I think?—Yes.

2507. Did she make any signal by hailing or otherwise that you understood?—I heard none.

2508. You heard no signal?—I heard no signal at all.

2509. You heard no hail?—I heard nothing.

2510. Did you remain on the bridge?—Directly after the captain took charge of the ship I was sent to the engine room to get extra speed.

2511. *The Commissioner*: How long before the explosion would that be?—I hardly understand you.

2512. How long before the explosion was it that you went down to the engine room to see if they could get more speed?—I should consider 25 minutes.

2513. Then, they had half-an-hour practically in which to get up speed?—No; about 20 minutes, I should say.

2514. Could they get up much speed in that time?—I do not know; I am not an engineer.

2515. How long have you been a second mate?—About five years, now.

2516. *Mr. Branson*: After you had given that message to the engine room, did you return to the bridge?—Yes.

2517. How long did you remain on the bridge?—Until the order was given to stop the engines.

2518. When the order was given to stop the engines, what did you do?—Immediately started to get the boats out.

2519. Who ordered you to start to get the boats out?—As near as I recollect, the captain. It was either the captain or chief officer. They were both standing together.

The Commissioner: Are both those men dead?

2520. *Mr. Branson*: The captain was drowned, my Lord; but the chief officer has been called and I think he said the master gave the order. (*To the Witness.*) You had no boat station, you have told us. Did you get any special order to go to any special boat?—No.

2521. The order was simply to get the boats out?—To get the boats away.

2522. Where did you go on receiving that order?—At first I went to No. 1 boat, or No. 3 boat, on the starboard side.

2523. Cannot you recollect which one it was?—I cannot now.

2524. Whichever it was, No. 1 or No. 3, when you got to it, what did you do?—The fourth officer came up and remarked, "This is my boat," and, of course, I went to the other side of the deck immediately.

2525. Was the fourth officer lost?—No, he is here.

2526. Where did you go to?—To No. 2 boat.

2527. That is on the opposite side?—On the port side.

2528. When you got to No. 2 boat, what did you find?—The boat was ready for lowering with the exception of a rope passed round, I think, from the davit heads to brail her to the ship's side. That was cut.

2529. She was one of the boats you had swung out at Liverpool, was she?—Yes.

2530. And that rope was cut?—That rope was cut.

2531. Were there any people in the boat when you got to it?—Not then.

2532. Having got to the boat, did you take charge?—No, I assisted; I did not take charge.

2533. Was there any superior officer there at that time?—As near as I recollect, the second officer was there.

2534. Tell my Lord what happened?—We started to lower the boat, and someone or other lowering on the after end evidently let the fall slip through his hands, and the boat dropped very nearly in a vertical position, but not quite, because the fall jammed in the block.

2535. *The Commissioner*: What number was this?—No. 2 boat.

2536. *The Commissioner*: This is the boat that was hung up?—*Mr. Branson*: Yes. (*To the Witness.*) And it got down, you say, nearly perpendicular when the falls jammed?—Yes. There were four or six passengers in it, and I am not quite sure, but I think some of the crew—there were about half a dozen people in it. Of course directly the boat was in that position we had to leave her for a time. I was called away and sent to the engine room with a bag of dispatches to be burnt. When I came back No. 4 boat was away—in the water, loaded and away from the ship. The captain passed some remark; I do not recollect now exactly what he said—anyway the captain and I went to the after end of No. 2 boat. Someone else lowered away on the forward end and we cleared the jam. That boat to the best of my recollection was put into the water and other passengers and members of the crew got into her by sliding down the boat falls.

2537. Had she taken in water?—Not at that time.

2538. What happened then?—Then I left.

2539. What was the condition of the boat before it left the ship?—I believe the boat to have got into the water in a quite sound state.

2540. Do you mean alongside the ship?—I mean alongside the ship.

2541. With both falls let go?—With everything let go.

2542. Then you went somewhere else, did you?—I went to No. 6 boat.

2543. When you got there, what was the position?—No. 6 boat was not swung out, and with the assistance of some of the passengers and some of the crew we put that boat over the side and commenced to lower her. Some people got into her from the boat deck: she was lowered to the promenade deck and there nearly filled with passengers. At that time someone shouted from the boat that there was a lady left in the ship. I was assisted in the lowering of that boat by an Army officer and another passenger. They lowered the forward end; I lowered the after end. Directly the captain heard there was a lady in the ship he left the boat, and he asked me what I was there for. I told him, and I never saw him again. I was looking round and I saw the gig go away loaded. I saw the starboard surf boat put out, and, further, looking round I saw the wake of a torpedo, or what I took to be a torpedo. Just after that there was a very violent explosion, and the ship commenced to list immediately. I said to the Army gentleman, "I must lower away. I cannot keep the boat longer in this position"; and the boat was put into the water quite safely. Some little time afterwards I saw she had capsized; how, I do not know.

2544. Could you tell at all, whilst she was overside, whether she came in contact with the ship's side?—In being lowered she simply grazed the ship's side going down. After the explosion the ship began to list, and that had the effect of swinging the boat against the ship's side, but nothing to hurt: she simply grazed the side going down.

2545. Then, your view is that the explosion took place before she, in fact, reached the water?—Before that boat had reached the promenade deck.

2546. Whilst you were getting her out?—No. Whilst she was hung there waiting for the lady passenger.

2547. And that is your recollection of what happened?—Yes.

2548. Then you yourself were still on the "Falaba"?—Yes.

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MR. HARRY H. PENGILLY.

[Continued.]

2549. What did you do?—This Army officer said to me: "What are we to do?" and I said: "There is only one thing: say, good-bye." He said: "I am going to take my chance." He made a good leap out and caught the tackle falls and slid down into the water. I never saw him again.

2550. Was he saved?—I do not know.

2551. And you?—I walked round for a minute round the front of the bridge and casually looked at the wheelhouse clock. I do not know exactly what the time was—it struck me it was a quarter past 12. Then the second mate and I talked for a minute or

two, and perhaps a couple of minutes after that boat had gone away, 8 or 10, or possibly a dozen, passengers or members of the crew came up on the boat deck and after a time we left the ship.

2552. How—did you jump off her?—I walked down when she was on her beam ends.

2553. Into the sea?—Yes.

2554. Had you a lifebelt on?—Yes.

2555. How were you picked up?—I do not know.

2556. But you found yourself eventually on the drifter?—On the "Eileen Emma."

Examined by MR. BUTLER ASPINALL.

2557. You remember the steamer leaving Liverpool?—Yes.

2558. How many of the boats were swung out when you left?—Five before leaving the river.

2559. Do you remember which boats they were?—Yes, No. 1, No. 2, No. 3, No. 5, and the gig.

2560. Do you know why those were selected?—Four of them were lifeboats and the gig was an emergency boat.

2561. Would that be a good reason, in your view?—Yes.

2562. *The Commissioner*: Why were not Nos. 4 and 6 swung out?—I cannot say.

2563. You cannot say?—No.

Mr. Butler Aspinall: I thought you told me you did swing out No. 4?

The Commissioner: I understood it was Nos. 1, 2, 3, and 5.

2564. *Mr. Butler Aspinall*: Then, you added, that the reason why those were selected was that they were lifeboats; but 5 was not a lifeboat. Look at the plan. Do you see No. 1. That is a lifeboat?—Yes. It was 1, 3, 2, and 4.

2565. *The Commissioner*: Those were four lifeboats?—Yes.

The Commissioner: Nos. 5 and 6 are not lifeboats.

2566. *Mr. Butler Aspinall*: That is so. They were surf lifeboats, much smaller than the others. (*To the witness.*) So that the large lifeboats and the emergency boat were swung out?—Yes.

2567. Is that what you would expect?—I should consider those would be the right boats to swing out.

2568. Do you remember after the submarine had been sighted your being sent away to help with the boats?—After the ship was stopped, that was.

2569. Did the passengers try and assist in lowering the boats?—Yes.

2570. I have no doubt with the best will in the world; but did that in fact hamper or assist you?—The assistance of some passengers was very welcome. Others were only in the road.

2571. Do you think when the torpedo came it may have upset any of the boats on the starboard side that were in the water?—I think it very possible.

2572. Did you think there was anything wrong with the condition of the boats, from what you saw?—From what I saw, the boats were in splendid order.

2573. *The Commissioner*: Are you speaking of all the boats?—Of all the boats I noticed—all the boats on the boat deck.

2574. Those are all the boats except the two at the end?—The two aft I had no opportunity of examining.

2575. Which?—Nos. 7 and 8.

2576. Never mind Nos. 7 and 8; were the boats on the boat deck all in good order?—All in good condition when we were lying in the Mersey.

2577. *Mr. Butler Aspinall*: Did you notice, when the first boat was being lowered away, whether the "Falaba" had stopped her way through the water?—I really could not say. I should hardly think so.

2578. Did you hear the order given to stop the engines?—Yes.

2579. Were you then at once told to go and get the boats out?—Directly.

2580. Did you at once obey that order?—Yes.

2581. *The Commissioner*: What time elapsed between the order to stop and the explosion?—I should say about 10 minutes, possibly less.

2582. Then had the work to be done in 10 minutes if it was to be done before the explosion?—Yes.

2583. *Mr. Butler Aspinall*: Did you see any dead bodies floating in the water?—After the last boat was away, while walking round the deck I noticed several dead bodies floating on the starboard side, each with a lifebelt on.

2584. That is on the side which was hit by the torpedo?—Yes.

2585. Did you form any opinion as to what had caused the death of those people?—I could not say. I put it down to the explosion, at the time.

2586. Was it a very violent explosion?—One of the loudest I have ever heard.

Examined by MR. HOLMES.

2587. When you first saw the submarine, did you alter the course of the vessel yourself, or call the captain?—Directly I saw the submarine I gave the order to the man at the wheel, "Hard-a-starboard. Call the captain"—and I rang the engine room for extra speed—all at the same time.

2588. You told us of the orders you got from the captain as to increasing speed and then stopping, and the order to get the boats out and call all hands on deck, and then he sent you to burn dispatches. Did you get any other orders or hear any other orders

during that time?—I do not remember. I do not think so.

2589. Can you tell us the last you saw of the captain?—The last I saw of the captain was when he wanted to know why I was keeping the last surf boat alongside the ship. I told him I was waiting for a lady passenger. He went to find her, and I never saw him again.

2590. How long was that before the explosion?—Possibly, a minute or two minutes.

2591. And you do not know what part of the ship he was on then?—I never saw him again.

Examined by MR. COTTER.

2592. What was the last ship you were on in the Elder Dempster Line?—At sea—the "Yola."

2593. Was she a passenger ship?—No.

2594. Had you been in an Elder Dempster passenger ship before?—No.

2595. Have you ever taken part in boat drill on Elder Dempster boats?—Yes.

2596. Would there not have been a station for you as an officer?—Yes, there should be.

2597. Did you ever see the list at all?—No, I never saw the list.

2598. What time would it be when you got the first order about lowering the boats?—I should estimate it to be about 5 minutes to 12 or 12 o'clock.

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MR. HARRY H. PENGILLY.

[Continued.]

2599. Did you go to No. 1 boat first?—To No. 1 or No. 3; a boat on the starboard side of the ship.

2600. Which boat would it be that you saw the fourth officer at?—I do not know.

2601. Did you see the chief officer at all?—Yes, I saw him round the boat deck several times.

2602. Where was he—at what boat?—I cannot say. I was more interested in getting my own boat away.

2603. Can you give any idea, approximately, at what time it was you went to No. 2 boat?—Yes, I should say about 5 minutes to 12, or possibly 12 o'clock.

2604. Were there any passengers in the boat when you got there?—Not when I first got there.

2605. Did you stay there all the time?—I stayed while she was being lowered until the accident occurred.

2606. But before she was being lowered did some passengers get into it?—Some passengers got in, four or six.

2607. Did you order them into the boat?—I do not know about ordering; I must have allowed them to go in.

2608. Did you issue an order?—I issued no order.

2609. Were there many other passengers on the boat deck at that time?—Yes.

2610. Many?—Several.

2611. What do you mean by several?—20 or 30.

2612. Were there any members of the crew there besides yourself?—Yes.

2613. How many?—I cannot say.

2614. Five or 10 or 20?—I cannot say, but I consider everyone belonging to the boats was on the boat deck.

2615. So that there would be a fair number of the crew there?—Yes.

2616. Round the boats?—Yes.

2617. Were they assisting the passengers in?—No; the crew were standing by to lower their boats. The passengers, or the male passengers, wanted no assistance to get in.

2618. What about the women passengers?—They were put in off the promenade deck.

2619. Was there any panic at all?—None.

2620. When these four passengers got into No. 2 boat, what happened?—Almost directly they got there some one lowering on the after end let the fall run through their hands.

2621. Are you sure there was someone on the after fall?—Decidedly.

2622. If it had not been fastened and someone had got into the boat it would slip, would it not?—If it had not been fastened the boat would not have hung there.

2623. The statement made here was that four men got in and one end ran right away. Is that incorrect?—That is quite untrue.

2624. Did it hang from the davits?—Yes, it was hanging from both davits.

2625. How did it break away? Did you see it break away?—It never broke away from the davits.

2626. The end that was hanging never broke away?—The end that was hanging never broke away.

2627. Then how did it get into the water?—It slipped through the man's hands.

2628. I am talking about the forward end that was hanging.—The forward end was lowered afterwards.

2629. Who lowered it?—I do not know who lowered it; some responsible member of the crew.

2630. And it would not be a fact if anyone stated that it broke away?—It never broke away.

2631. And fell from the davit into the water?—It did not.

2632. You saw it when it reached the water?—I saw it when it was very close to the water.

2633. What do you mean by when it was close to the water?—Practically water-borne.

2634. It did not go smash into the water?—I did not see it go smash.

2635. You did not see it go into the water?—No.

2636. You did not see anybody in it afterwards?—I consider 14 or 15 people got into her whilst she was alongside the ship; there were several people in her when she drifted away.

2637. How long after she was sea-borne did she drift aft?—I cannot say, because I was busy with No. 6 boat at the time.

2638. Did you help to lower No. 6 boat?—Yes.

2639. Were there any other members of the crew in No. 6 boat?—There were some stewards in the boat.

2640. If a statement has been made to the effect that there were no members of the crew in that boat, that would not be true?—There were some stewards there, and one drew my attention to the fact that there was a lady left in the ship.

2641. Did you see a Captain Harrison there?—I do not know the gentleman.

2642. Did you see an officer in uniform there?—I saw an officer in uniform, and he helped me to lower the boat.

2643. And the boat, you say, went clean down into the water?—Yes, without any mishap at all.

2644. With regard to No. 5 boat, did you go to No. 5 at all?—I know nothing about No. 5.

2645. Who brought the news that there was a lady left on board?—Some of the stewards in No. 6 boat shouted from the boat.

2646. Where was she then?—The boat was lying alongside, the promenade deck being filled.

2647. You were holding her by the promenade deck, were you?—Yes.

2648. Did you see the chief officer then?—No.

2649. Did not the chief officer find the lady and take her along to the gig?—I cannot say; I did not see him.

2650. And you say that as far as the crew were concerned they were doing their duty and attending to the passengers?—Everyone of them, as far as I saw.

2651. Did you see them giving lifebelts out?—I really cannot say, because they would have been given out at the start.

Examined by MR. TAYLOR.

2652. What opportunity had you of knowing the condition of the boat?—On the Saturday afternoon while lying in the river I had an anchor watch and I passed my anchor watch on the bridge deck and boat deck, and as a sailor I looked at the boat.

2653. Were the plugs all there?—They were all there as far as I remember, then. I do not recollect their not being there.

The Commissioner: Do you wish to establish that these boats were in good order or not in good order?

Mr. Taylor: That they were not in good order.

The Commissioner: Then you are asking very indiscreet questions.

Mr. Taylor: I wanted to see what inspection he had made.

The Commissioner: I know; but I should have thought in the interests you have, apparently, it would be much better to leave him alone; but if you think differently by all means go on.

Mr. Taylor: I would sooner accept your Lordship's ruling.

The Commissioner: No. Every answer you get now will defeat your object, if that is your object. I should have thought your object was to ascertain only the truth.

2654. *Mr. Taylor (To the Witness):* Perhaps you will tell me this. What was the time you first sighted the submarine?—Twenty minutes to 12.

(The Witness withdrew.)

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MR. HUGH BROWN.

[Continued.]

MR. HUGH BROWN, Sworn.

Examined by MR. DAN STEPHENS.

2655. Were you fourth engineer on the "Falaba" on this voyage?—Yes.

2656. Had you been in the ship before?—Yes.

2657. How many times?—This was my sixth trip.

2658. Had you any boat station?—Yes.

2659. Which was your boat station?—No. 4 boat.

2660. How were you given that station?—That had been my station on the previous voyage, and continued.

2661. Was it customary that the same officer should have the same station on different voyages?—Yes.

2662. I think about noon on the 28th March you were on watch in the engine room, were you not?—Yes.

2663. As we have heard, the telegraph rang and the third officer came down and informed you there was a submarine astern?—Yes.

2664. What did you do?—I went straight forward and called out for all hands.

2665. What was that for?—To see if we could get more speed out of the ship.

2666. *The Commissioner*: Was that about twenty or twenty-five minutes before the explosion?—I should say about twenty minutes.

2667. Can you tell me how you could have increased your speed in twenty minutes—how much?—I could not really say. It would depend on how the firemen worked.

2668. Is there anyone who can say?—I expect the chief engineer would be the only one who could make any statement as to that.

2669. *Mr. Stephens*: Then the telegraph rang again, did it not?—Yes.

2670. With an order to stop?—With an order to stop.

2671. You stopped your engines. Then what did you do?—We waited below until we heard the chief engineer cry out "All hands on deck"; and the third engineer went into the stokehold and ordered all the firemen above.

2672. What did you do?—I went to my room and laid out some warm clothing for the third engineer and myself, and made for the boat deck.

2673. Did you go to your boat station. Tell us what you did?—I went on to the saloon deck. When I got there the main gangway to the boat deck was filled with passengers coming down, and I had to wait to get on to the top deck. When the passengers cleared away I went to my boat station at No. 4 boat.

2674. Who was there when you got there?—The second officer and the Captain, and I think about six passengers.

2675. Then what did you do?—I went to the after end of the boat, which was the usual station I took; and found the falls jammed—the ropes were twisted and the falls would not run. The Captain came along and, with the assistance of a passenger and second mate, we cleared it. He then went to the forward end of the boat and the second mate and I started to lower away the after end, and immediately we got under weigh the second mate left.

2676. Did you and the Captain then lower the boat?—Yes.

2677. How far did you lower it?—To the saloon deck, and there she was filled up with passengers and some of the crew. We kept her hanging there till someone below sang out "Boats' crew lower away," and we immediately lowered her into the water. When we got her into the water someone cleared the falls in the boat, and the Captain said to me, "You had better get in." I then went down the falls into the boat, or rather, into the sea, but the chief engineer fished me out with an oar.

2678. Did the boat get safely into the water?—Yes.

2679. How many people had you on board?—Roughly speaking I should say about 40.

2680. Who took charge of the boat then?—I took charge of her just then, till we discovered there was a master mariner in the boat, and we got him to take charge.

2681. Was that Captain Brown?—Yes, as far as I can remember.

2682. Then what did you do?—We pulled to the bow of the ship. We drifted then to the starboard side, and the trawler "Eileen Emma" came along and wanted to take us out, but we said our boat was safe and she had better go among the wreckage and pick up some of the people that were floating about.

2683. Had the torpedo been fired at that time?—No.

2684. What did the "Eileen Emma" do?—She passed us then on towards the ship.

2685. Did you see the torpedo fired?—Yes.

2686. How far were you from the "Falaba" when the torpedo was fired?—I should say about 150 yards.

2687. How long were you in that boat?—Roughly speaking about two hours, I should think.

2688. Were the plugs in her?—Yes.

2689. Did she make any water?—She made about six inches in that time.

2690. Was there any baling?—One lady started to bale near the finish, but it was not really necessary.

Examined by MR. BUTLER ASPINALL.

2691. Do you know what the practice on board the "Falaba" was as to posting notices of boat stations?—As far as I can remember, they were posted up 24 hours after we sailed—or the following day.

2692. This accident happened before the 24 hours elapsed?—Yes.

2693. *The Commissioner*:—The purser prepared them, I understand?—Yes.

2694. *Mr. Butler Aspinall*:—Do you know of your own knowledge whether the purser was in process of preparing the new list?—I could not say.

2695. You do not know?—I do not know.

2696. You have given evidence about the order coming down for more steam. Was it about that time that the clock was put back to noon?—The first order that we got was "Full speed ahead" on the telegraph. We usually get full speed ahead on the telegraph at 12 o'clock to correct our clock, and when we get full speed ahead we take that to mean 12 o'clock, and we shifted the clock about four minutes.

2697. Was it about 20 minutes after that that the vessel was torpedoed?—Yes.

2698. Do you remember the order coming down to stop the engines?—Yes.

2699. What did the clock record at the time?—12 to 12.

2700. If that is so, we may divide the 20 minutes up thus: 12 minutes from 12 to 12, 12 when the order came to stop, then a balance of 8 minutes, and then the vessel was torpedoed?—Yes.

2701. So that there was about 8 minutes to get the boats out and all the people in?—Yes.

2702. First of all, stop the ship, get the boats out and get the people in—8 minutes?—Yes.

The Commissioner: That is what it comes to.

2703. *Mr. Butler Aspinall*: Yes, my Lord, it is really the best evidence we have had upon it yet. (*To the Witness.*) With regard to the boat you went in, No. 4, she was full, was she not?—Yes.

2704. You could not get anybody more into her?—We might have got one or two in, but there were people sitting in the bottom of the boat. To anyone looking on she did not seem so full as she was.

2705. But in fact she was full?—Yes.

2706. Some gentlemen who have been called here asserted that the boat was not full, and she could have saved more.—There was no one near that we really could have saved.

2707. I have no doubt you honestly thought so. Were there any ladies in this boat?—Yes, five; two black and three white.

The Commissioner: How many ladies were drowned?

Mr. Branson: One.

The Commissioner: How many were there on board?

Mr. Branson: Seven. They were all got into boats, but one died afterwards.

The Commissioner: How many saved their lives?

Mr. Branson: Six were saved and one lost.

Mr. Butler Aspinall: There were seven lady passengers and a stewardess. The stewardess unfortunately lost her life.

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MR. JOSEPH ROWETT.

[Continued.]

Examined by MR. COTTER.

2708. Is it not a fact that between half past eleven and twelve you were drawing fires?—Yes.

2709. So that it would be an awkward time to get up speed if you wanted to?—Yes.

(The Witness withdrew.)

Mr. Branson : Mr. Aspinall has told us that there were two ladies lost. At present my information is there was only one. I do not know whether Mr. Aspinall meant there was one lady in addition to the stewardess.

Mr. Butler Aspinall : Yes, I did.

Mr. Branson : That is the first information we have had to that effect, and it does not agree with the information we have up to this point.

MR. JOSEPH ROWETT, SWORN.

Examined by MR. BRANSON.

2712. I think you joined the "Falaba" as barber and went on board at 6.30 a.m. on Saturday, 27th March?—Yes.

2713. Had you made a previous voyage in the same capacity?—Yes.

2714. And had you been given a boat station?—Yes.

2715. What station had you on the previous voyage?—No. 5.

2716. You had been given no station on this voyage?—No.

2717. Did you assume you had the same station?—Yes.

2718. *The Commissioner* : And that would be the ordinary practice, would it? How many voyages have you made?—I have been with the company 15 or 16 years.

2719. Is it the practice to leave the officers, and men in your position, to go to the same boat; or is it the practice to change the boat at the beginning of each voyage?—They change each voyage.

2720. Do you mean to say they ring the changes; that you would get No. 5 one voyage, and another boat next voyage, and another boat the third voyage, and so on?—Yes.

2721. Why is that done?—I could not say, I am sure.

2721A. You always change, do you?—I have been at No. 5 boat the last six voyages.

2722. *Mr. Branson* : So there has been no change as far as you are concerned?—No, not as regards myself.

2723. When you start on a voyage, before the lists are prepared, do you assume that your boat is the same boat as you had on the previous voyage?—Yes.

2724. Did you make that assumption on this occasion?—Yes.

2725. I think you were below with a customer in the chair when you were informed of the presence of this submarine?—Yes.

2726. Did you go out with your customer or did he go out?—No, I went out.

2727. And then you found it was a German submarine?—Yes.

2728. After that did you return to the hairdresser's shop?—Yes.

2729. Did you get an order, or a hail, or something?—No. When I got back to the shop I heard the word had gone round to man the boats.

2730. What did you do?—I put on a macintosh and proceeded to the boat deck.

2731. Did you proceed to your boat?—Yes, to No. 5.

2732. When you got to your boat, was she still in the davits, or what was her position?—No, she was near the water.

2733. Who had lowered her, do you know?—I could not say. I did see a sailor, but he was a stranger to me.

2734. So that before you got to your boat she had been lowered by some one, you do not know who, to the water?—Yes.

2735. When you got there, were there any people on her?—Yes, there were some people in the boat, near the water's edge.

2736. What was the exact position of your boat when you got to her?—When I got there the stern of the boat was higher than the bow. The bow was nearly touching the water; in fact, I am almost sure that the bow was in the water.

2710. Did you notice if the stewards were assisting the passengers?—I could not really say. I was late in getting up.

2711. Did you see any stewards on the deck assisting at the boats?—Well, I could not honestly say that I did.

* 2737. Were the people in the boat, or had they been thrown out, or what?—No, they were not thrown out. There were a lot of people in the boat, and when I looked over the side the second time I found the bow submerged in the water and the stern of the boat was in the air.

2738. Still held by the fall?—Yes, still held by the fall

2739. Where were you when you saw that?—I was on the boat deck.

2740. Was there anybody at the falls?—Only a sailor, and I think two passengers.

2741. But what was the matter with the fall which was holding the stern up?—I could not say, I only know the stern was up in the air, and the bow was in the water when I looked the second time. I did hear afterwards that the rope was jammed in the fall, but I did not see it.

2742. What did you do then?—I proceeded to the port side of the ship. I saw a lifebelt box there, and I got a lot of lifebelts out and gave them to passengers on the boat deck, and I showed some gentlemen how to put them on. In fact I put several on myself for them. I also put one on myself. Then they proceeded to the different boats, port and starboard.

2743. I want to know more particularly what boat, if any, you noticed on the port side?—I saw No. 6 going away.

2744. By that, do you mean being lowered?—Yes, being lowered.

2745. What people were there in No. 6 when you saw it?—Do you mean the number?

2746. Yes.—Pretty well full, in fact I think almost overcrowded.

2747. Was it being properly lowered?—It was just about to be lowered; it had not been lowered.

2748. Was it level with the boat deck?—It was level with the boat deck.

2749. Did you see whether there were any officers or crew at the tackle?—I saw the chief officer and also the fourth officer on the boat deck.

2750. Did you see the boat lowered?—No.

2751. Where did you go to?—I went to get into No. 6, and I saw it was so full that I decided to look elsewhere for a place.

2752. Where did you go?—I proceeded down to the promenade deck to try and catch a boat that might be coming down from the boat deck. Whilst I was down there I saw some ladies standing on the promenade deck. They did not know what to do, so I assisted them into lifeboat No. 4. They were two coloured ladies, and one white.

2753. What did you do then?—The boat was still being lowered. I would not risk jumping in from there, so I went down a ladder on to the lower deck and got into the boat from there.

2754. Can you tell me how many there were in No. 4 boat when you got in?—Between 40 and 50.

2755. As many as she could carry?—As many as she could carry, yes.

2756. Did you notice any other boat particularly, except those you have told us about?—No, I do not remember seeing any more boats after that—not on the ship.

2757. You got into No. 4 boat and rowed away from the ship, did you?—Yes, we rowed away.

2758. Did you see the submarine after you rowed away from the ship?—No.

2759. You did not?—No.

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MR. HENRY ASHTON.

[Continued.]

2760. Were you sitting in the boat or lying down?—I was sitting. I was rowing from the time we left the ship till the time we were picked up.

2761. How many were rowing?—Six—three each side.

2762. Did you hear the shock of the explosion?—No, I did not hear it.

2763. You heard nothing?—No, I heard nothing, but I saw it.

2764. When you saw it did you see any boats attached to the "Falaba" being lowered?—No.

2765. You were still rowing, I take it?—I was still rowing.

2766. And you some time afterwards were picked up by the "Eileen Emma"?—Yes.

2767. Did No. 4 boat leak at all?—Not to my knowledge. I never was in any water.

Examined by MR. BUTLER ASPINALL.

2768. Had you previously tried to get into No. 6 boat?—Yes.

2769. Were you ordered not to do so?—I had no orders whatever.

2770. Why did you not get into her?—She had so many passengers that I decided to look for another boat which had not so many.

2771. That was your reason, and you went to No. 4?—I went to No. 4 then.

Examined by MR. COTTER.

2772. Did you hear any orders given at all?—Only to man the boats: that is all.

2773. Did you hear any orders about giving lifebelts out to passengers?—I did hear someone say "Get the

lifebelts out," but I did not see anybody giving out any, only myself.

2774. But you did hear the orders?—Yes.

(The Witness withdrew.)

MR. HENRY ASHTON, Sworn.

Examined by MR. DAN STEPHENS.

2775. Were you a saloon steward on the "Falaba" on the voyage?—I was.

2776. Had you any boat station?—No, I had not on this occasion.

2777. Was this your first voyage on the ship?—On the "Falaba," yes.

2778. *The Commissioner*: Was it your first voyage on an Elder Dempster boat?—No.

2779. *Mr. Stephens*: On the 28th March, about noon, were you laying lunch?—No.

2780. Were you called to lay lunch?—I was called ten minutes before.

2781. Did you hear any news that a submarine was about?—Yes, I had heard about it, but I did not credit it. I then saw a submarine 300 or 500 yards behind, flying a white ensign.

2782. Did you hear the Captain give any order?—I heard the order repeated that we had to make for the boat deck and take our stations at the boats.

2783. Did you go to a station?—Yes, I went to the boat deck almost directly.

2784. What boat did you go to?—I am mixed up about the number of the boats, but I made for what I call No. 6, that is No. 2 on your plan; but I only stayed there three or four minutes, and then made forward to the next one, which I assisted to lower.

2785. Did you help to lower No. 4?—Yes.

2786. Did she go into the water safely?—Yes.

2787. And then what did you do?—I went to No. 6 and helped to swing her out and lower her.

2788. Was she full of passengers?—No. 6 seemed to be full.

2789. Then what happened to you?—I went down to the saloon deck and saw the chief officer, who was assisting one lady, who had been left, to the poop to the emergency boat. I followed him up and, with several

others, we lowered the gig. Then I saw the gig when she touched the water, and she was in good order. Then a bedroom steward went down the fall into the gig, and I followed, and hanging behind me was the purser's clerk. I jumped for the boat and fell into the water, but fortunately got in eventually.

2790. Did you see anything of the boats on the star-board side?—No, I do not know anything about them.

2791. Did you pull away in the gig?—Yes, and laid her head on to the sea and kept it there.

2792. Did you see the submarine?—Yes, I did.

2793. How far was she off when you saw her?—We came round under the bow, and the submarine would be then, I should say, about 40 yards from the "Falaba."

2794. Did you see the torpedo fired?—I did not see it fired. I heard the explosion, and a kind of echo which seemed like a double explosion.

2795. Did you see any of the other boats of the "Falaba" in the water?—Yes, I saw No. 4 and No. 6 in the water and when we got round we saw another boat, I think No. 3, which was quite all right.

2796. Were any of them trying to pick up people from the water?—Yes, I saw one boat trying to pick up people. It was impossible for us to try and do it, because we were over-crowded as it was.

2797. Did anyone hail you wanting to be picked up?—Not that I remember.

2798. Then I think you were taken on board the "Eileen Emma"?—Well, I fell into the water then.

2799. Did you ultimately get into the "Eileen Emma"?—Yes, two stewards picked me out. Instead of taking my time I suppose I was a bit excited when the further side of my boat went down; in fact, I was sitting on the gunwale of the boat. I went over and fortunately, one of the stewards fished me out.

Examined by MR. COTTER.

2800. Where were you actually when you heard about the submarine?—In the glory hole.

2801. How many men will the glory hole hold?—Thirty, I should say.

2802. How many were there there when the news came that the submarine was in sight?—Six or eight, I should think.

2803. They had no difficulty in getting out?—No.

2804. It was a good exit?—Quite a good exit.

2805. Where were they going?—I was going towards the saloon.

2806.—Did you get any orders from the chief or second steward?—The second steward was giving orders to the

bedroom stewards to issue lifebelts. I remember hearing the second steward say he had given lifebelts out.

2807. Did you actually see any lifebelts given out?—No; I saw passengers take them out of the emergency boxes on the deck.

2808. Did you notice the time?—I did not notice the time, but I knew it must be somewhere about 12 o'clock because of the lunch.

2809. Was the boat deck full when you got there?—Fairly. The passengers were hampering us a little in the lowering of boats. Some of them were absolutely in the road, I should say.

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MR. FRANK BREARY.

[Continued.]

2810. Men?—Yes, some of them. They were trying to help, but of course they were in the road.

2811. Were the officers giving orders to the passengers, and were the passengers carrying them out?—No, they went about it in their own way.

2812. Were they interfering with the falls at all?—In their own way I suppose they were helping, but I say they were interfering because they did not understand them.

2813. Did you see No. 2 boat at all?—When I was on the poop, yes. She was the last.

2814. I said No. 2 boat?—That was No. 2 boat. She must have had an accident, I think.

2815. How many boats were swung out when you went to the poop?—I do not know. No. 2 was swung out, No. 4 was swung out.

2816. Had not No. 2 actually reached the water when you attempted to lower No. 4?—No; she had not started from the deck when I went on deck.

2817. Which boat reached the water first, No. 4 or No. 2?—No. 4 reached the water safely first.

2818. Did you see No. 2 attempted to be lowered?—No, not attempted to be lowered.

Examined by MR. TAYLOR.

2819. Can you tell me how many stewards there were on

board?—I could not tell you; about 60, I suppose, in our department.

Re-examined by MR. BRANSON.

2820. You say the passengers meant to help, but were interfering with you?—Yes.

2821. At which boats?—At the two I was working at.

2822. You mean No. 2 and No. 4?—Yes.

2823. But they did not prevent your lowering No. 4?—No; but I mean most things would have been done much quicker and better and less lives lost if it had been left to the members of the crew to do it.

(The Witness withdrew.)

MR. FRANK BREARY, Sworn.

Examined by MR. BRANSON.

2824. I think you are an assistant bedroom steward on the "Falaba"?—Yes.

2825. How many voyages had you been in her?—The last five voyages.

2826. Had you a boat station?—I had been at the same boat.

2827. What boat was it?—No. 3.

2828. Had you an inspection of lifebelts before the ship left Liverpool?—Yes, the day before.

2829. Did you assist?—I put the belts back into my rooms.

2830. Did you examine the belts?—I looked at all of them before I put them back.

2831. And they were put back?—Yes, they were put back in the lifebelt racks.

2832. Where were you when the submarine was first reported?—I was making beds in my rooms.

2833. Did you go on deck?—I went on deck and I saw the submarine through the gate leading to my second room. Then I went off to have a look at her. Then I heard the order to get to the boats. I proceeded back to my rooms because there were some passengers in some of the rooms, whom I told, and after that I went on deck.

2834. Who gave the order to get to the boats?—I heard the order pass from one steward to another.

2835. Then you went to your various rooms and told the passengers who were in them to go to the boats?—Yes, anyone who was in.

2836. Having done that, what did you do?—I went on to the boat deck and stayed by my boat, No. 3.

2837. Who else was at No. 3 beside yourself?—All the members of the crew that were at that boat last voyage, and we lowered it safely into the water.

2838. Was it as full as it could hold?—It was full. There was no room for me there, so I went across the deck to No. 4 boat.

2839. When you got to No. 4 what was the position of that boat?—There was nobody lowering that boat then, so I came across the deck and got a lifebelt and put it on. Then I came back and went to the lowering tackle and started lowering it. I then got into the bow of the boat and took hold of the tackle, and when we got level with the promenade deck we handed the passengers in till it was full, and eventually we lowered it into the water.

2840. That was No. 4 boat?—Yes.

2841. So that the two boats you assisted in lowering got safely into the water?—Yes.

2842. Could they have taken any more people, in your view?—No. I was in the bow of the boat, and I had great difficulty in getting hold of an oar,—which I did afterwards.

2843. Had you before this noticed any other boat in particular?—No. 2 boat was being lowered then, and the after end of the boat fell away; but eventually that was lowered safely into the water also: I saw that from my boat as we were getting away. Those are all the boats I can speak about.

2844. After you got into your boat, we are told she was rowed away?—We went round the bow of the ship and passed between the trawler and the submarine.

2845. I suppose the trawler was yet a long way off, was it not?—No. I should think they were about 100 yards off.

2846. The trawler was?—Yes.

2847. How far was the submarine from the ship?—I could not say how far that was.

2848. I thought you said you passed between the trawler and the submarine?—Yes.

2849. And you said the trawler was about 100 yards from the ship?—Yes; she was going towards the ship.

2850. How long after the explosion was this?—The explosion had not occurred then.

2851. So your recollection is that there was a trawler about 100 yards from the "Falaba" when the explosion occurred?—Yes, about 100 yards off.

2852. Did you row to the trawler?—No. As the trawler passed our boat we told her to go on to the ship and see what she could do, and we were picked up about two hours afterwards.

2853. Did you hear or see the explosion?—I saw the explosion.

2854. Can you tell us whether at the time of the explosion there were any boats still hanging to the davits?—I noticed one hanging up on the poop, that they were trying to lower, but I was too far off to distinguish anything.

2855. How far off were you?—I was about 200 yards off the ship then.

2856. That would be No. 8 boat on the plan, would it not—the one you saw hanging in the davits when the explosion occurred?—It was the surf boat.

2857. On the starboard side?—Yes, on the starboard side.

Examined by MR. BUTLER ASPINALL.

2858. Did you have charge of cabin 37?—Yes.

2859. There was a gentleman called here named Mr. Edward Kent who said he found his lifebelt but the tapes

were broken?—The tapes were all right when I put them into the room before we sailed.

2860. Are you sure?—Yes.

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MR. THOMAS NOBLE.

[Continued.]

Examined by MR. COTTER.

2861. Did you get any orders from the chief steward?—I heard him say, "Go to your old boat stations." He was on the deck then.

2862. What did you tell the passengers when you went round to their rooms?—I told them to get on to the boat deck.

2863. Did they make any reply?—They were getting their belts.

2864. Did they make any complaints about the belts?—No.

2865. The belts were in good order, as far as you know?—Yes, when I put them into the saloon.

2866. When did you put them into the saloon?—The day before we sailed.

2867. And they were in good order then?—Yes.

2868. When you got on to the boat deck did you notice No. 2 boat?—Yes. It had not been slung out then. When I got on to the boat deck no boats had been put out.

2869. What do you mean by put out?—Well, they had not started to lower any of the boats then.

2870. But they were swung out?—All the lifeboats were swung out.

2871. Ready for passengers to get into?—Yes.

2872. Did you notice anybody get into No. 2 boat?—No.

2873. How long did you remain on the deck?—Four to five minutes on the boat deck.

2874. Were there many passengers there then?—Passengers and crew were there then.

2875. A good number?—Yes, a good number.

2876. And No. 2 boat had not been launched?—It had not been lowered then.

2877. And yet there were many passengers there getting into the other boats?—Yes.

2878. *The Commissioner*: Can all you stewards swim? Can you swim?—Yes, I can swim.

2879. Can all the stewards swim?—Not all of them.

(The Witness withdrew.)

MR. THOMAS NOBLE, SWORN.

Examined by MR. DAN STEPHENS.

2880. Were you night watch steward on board the "Falaba" on this voyage?—Yes.

2881. Did you hold the same position on the previous voyage?—Yes.

2882. What was your boat station?—No. 4.

2883. Was that your station on the previous voyage?—Yes.

2884. You were turned in, I think, on the morning of March 28th?—Yes.

2885. Were you called by someone?—I was called by the man in charge of our corridor.

2886. Did he tell you there was a submarine about?—A submarine was chasing us.

2887. Did you get up?—Yes.

2888. Did you go up on deck?—Yes.

2889. Did you see the submarine?—Yes.

2890. How far was it off then?—About 300 yards on the port side.

2891. What did you do?—I heard the order given "all hands to the boats," and I went down below and put on some clothes.

2892. Did you then go to your boat?—Yes, I came out of my quarters, went along the deck and went up the emergency ladder to the boat deck. I could not get past No. 2 boat because of the passengers and crew, and I stayed there a few seconds.

2893. While you stayed there what happened to No. 2 boat?—The after end of the fall was let go, who by I could not say.

2894. Were there any people in the boat at the time?—Yes.

2895. How many?—When she was suspended there were three or four people clinging on.

2896. How many people had there been in her when the after fall was let go?—I could not say at all.

2897. Then she hung, did she, from the forward fall?—Yes, from the forward fall.

2898. What happened to her then?—No. 4 boat had been lowered away.

2899. I am talking about No. 2 boat. Was she left hanging?—She was left hanging for a time.

2900. What happened to her?—The Captain came along from No. 4 boat and gave orders for her to be let go. Then with the people clinging and the weight of the boat the ring carried away, and the boat was let go with a sudden jerk, loosening the fall.

2901. And fell into the water?—And fell into the water, and she righted herself.

2902. Did you see any more of her?—Not after.

2903. Did you then go to your own boat?—I went to No. 4 boat then.

2904. Did you help to lower it?—No, it was being lowered then.

2905. You did not go off in No. 4?—No.

2906. Why was that?—Well, it was getting lowered then, and it was too far away for me to jump in, and she was also pretty well full up.

2907. What did you do then?—I went across to the starboard side of the deck and I thought I had better take

a lifebelt. There were plenty in the boxes on the deck, so I took a lifebelt and went to No. 3 boat. There was nothing to be done there, so I threw over little bits of wreckage and collared the boat opposite the poop.

2908. Did you go to the gig?—Yes, I went to the gig.

2909. Did you help to lower that?—I assisted.

2910. And then what did you do?—The gig got full up, and was then lowered away, and the chief officer sent us over to No. 8 boat,—that is the surf boat on the poop.

2911. Did you get her out?—I did not wait. The passengers and some members of the crew got into it under the impression that it was the last boat. I heard someone say the stewardess was still aboard, and I went to find the stewardess.

2912. Did you find her?—Yes, I spoke to her, but she was suffering from hysteria I should say, and not fit to do anything, and I was not in a fit state to waste any time with her.

2913. Did you leave her there?—Yes, I left her there. There was a gentleman passenger, too, quite close.

2914. Did you see the torpedo coming?—I saw the wake of it.

2915. And an explosion took place?—Yes.

2916. What happened to No. 8 boat then?—When I left the poop No. 8 boat was just raised out of the chocks. It was very difficult because she was full up, and the last time I saw her she was upside down in the water. That was after the torpedo struck the ship.

2917. Then I think you dived overboard?—Yes.

2918. *The Commissioner*: I suppose these photographs we have seen should be taken as real photographs of what happened?—The photograph of No. 2 boat, I should think, was real.

2919. I mean they were not manufactured for cinematograph purposes?—No.

Mr. Stephens: This witness can, I think, identify some of them.

The Commissioner: We have seen a picture of No. 2 boat hanging up.

Mr. Stephens: That is the boat hanging from the forward fall.

The Commissioner: Yes, with four people in it.

Witness: Yes, that is right.

2920. *Mr. Stephens*: Does that photograph agree with what you saw?—Yes.

The Commissioner: Then we saw another photograph with, at all events, two boats upside down in the water.

2921. *Mr. Stephens (To the Witness)*: Will you look at the largest picture on that page. Did you see anything like that (*handing a newspaper to the Witness*)?—No, I did not. I was in the water myself, you see.

The Commissioner: One witness identified it.

2922. *Mr. Stephens*: This witness says he did not see the particular scene, my Lord. (*To the Witness*) You were in the water?—Yes.

2923. Then I think you were taken out?—Yes, by the "Eileen Emma."

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MR. JOHN TURTON.

[Continued.]

Examined by MR. COTTER.

2924. Did you give lifebelts out to the passengers?—Only one or two on the boat deck.

2925. When you went aft to the poop did you help to lower No. 7 boat?—Yes, and also No. 8.

2926. Can you tell us how many people were in No. 8, the last boat?—We thought it was the last boat, I should say there were 20 to 30 people in it.

2927. Were there any passengers left on the poop?—There might have been two or three, but the majority were crew.

2928. Did you see any passengers there?—Yes, I could not tell you their names.

2929. You did see some passengers?—Yes.

2930. How many?—Three or four.

2931. How many people were on the poop altogether?—18 to 20.

2932. And out of those, 16 would be members of the crew?—Yes, I could mention quite a lot of names.

2933. Can you give us any reason why the fall collapsed?—I cannot. My only idea is that when the

torpedo struck the ship she must have given a jump. I was not there, you know, at that moment.

2934. Where were you?—When the torpedo struck us I was on the main deck amidships.

2935. So that you would only hear the explosion?—I heard the explosion and saw the spurt up in the air.

2936. How was it you saw it?—Because I was looking for it.

2937. But if you were amidships how could you see?—I was a little more forward than aft.

2938. Can you give us any idea where the torpedo struck her?—Yes, right under No. 3 hatch.

2939. Can you show us on the plan?—Just about *there* (*pointing to the plan*).

2940. Just at the well of the deck?—Just at the well of the deck.

2941. Did you go back to the poop after the explosion?—No, I did not; I could not have got back in any case.

2942. Why?—She had taken a list to starboard.

2943. Where did you go then?—I dived overboard.

2944. Over the starboard side?—Yes, I went overboard.

Re-examined by MR. DAN STEPHENS.

2945. Are you quite sure about where the torpedo struck you, because we have been told that it was between No. 1 and No. 2 boats. We have had witnesses who have spoken to that, so far?—I could not tell you.

2946. Was it near the way of the engine room?—Yes, that is so; it was just at the end houses, where the houses finish.

2947. *The Commissioner*: You did not see it?—I saw the wake of the torpedo in the water, the track of the torpedo.

2948. But you did not see the actual striking?—Yes, I did.

2949. Of the torpedo on the hull of the ship?—Yes, I did. It appeared to me when a blacksmith strikes an anvil the sound does not come for a few seconds or so after; that is as it appeared to me.

2950. I am asking you not what you say but what you saw?—I saw the torpedo strike the ship.

2951. Where do you say the torpedo struck the ship?—By No. 3 hatch.

2952. Would that be aft of No. 1 lifeboat?—Yes, my Lord; just where it says "Marconi house."

2953. Where is the Marconi house?—The Marconi house is *there* (*pointing it out on the diagram*).

2954. Was it aft of the Marconi house?—It was up *here*.

The Commissioner: That is quite different from what the other witnesses have told us.

Mr. Dan Stephens: Yes, my Lord. So that the evidence is that she was struck between No. 1 and No. 3 boats.

The Commissioner: Yes.

Mr. Dan Stephens: That is why I ask the witness.

(The Witness withdrew.)

MR. JOHN TURTON, Sworn.

Examined by MR. DAN STEPHENS.

2955. Were you smokeroom steward?—Yes.

2956. How many voyages had you been in her?—Six voyages.

2957. And this was your third voyage as smokeroom steward?—Yes.

2958. Had you a boat station on previous voyages?—Yes.

2959. What was your boat?—No. 5.

2960. Now, did you see the submarine, or was it reported to you?—I saw it.

2961. And when you saw it was she a long way off or close to you?—I should think four or five miles off.

2962. Did you take any notice of her, or did you go on with your work?—Well, I was watching her all the time.

2963. Did you know that she was a German submarine?—No.

2964. Did you see any flag?—Not until she was astern of us.

2965. You mean much nearer?—Yes.

2966. And then what flag did you notice?—A white ensign, but I could not say whether it was German or English.

The Commissioner: I do not think you need repeat this evidence about the flag. To my mind at present it is perfectly clear that there was a flag up and as far as these witnesses know it was a German flag.

Mr. Dan Stephens: Yes, my Lord.

The Commissioner: There was some suggestion that they displayed an English flag, but there seems to be nothing in it.

Mr. Dan Stephens: No, my Lord. What I am doing now is calling witnesses for the various boat stations, and that is the important part of the Inquiry.

The Commissioner: I think you had better stick to that.

2967. *Mr. Dan Stephens*: (*To the Witness*.) Did you get an order at the same time?—We got an order from the chief officer.

2968. What was the order?—To tell all the passengers to get to their boats.

2969. That would mean that each one of you stewards would have to go to your separate departments?—Yes.

2970. Did you take any steps to carry out that order?—I gave the order in the smoke room.

2971. Did the passengers go?—They went on deck.

2972. What did you do?—I was sent for to the chief steward for about a minute and I told anyone I saw on board to come on deck.

2973. Having done that, did you go to your boat?—Yes.

2974. You say your boat was No. 5?—Yes.

2975. Are you quite sure it was No. 5?—Yes.

2976. Now when you got to No. 5, what did you find?—That No. 5 and No. 1 had gone.

2977. Where was No. 5 when you got to the boat?—I could not see it at all.

2978. Not at all?—No.

2979. You say No. 5 and No. 1 had gone?—Yes.

2980. Then did you go by any other boat?—Yes, to No. 3.

2981. Did you go on your own initiative or were you ordered by anybody?—I went because it was the nearest one to me.

2982. When you got to No. 3, what was her state?—In good condition.

2983. But what was her position—was she lowered at all?—Just swung out.

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MR. JOHN DOHERTY.

[Continued.]

2984. No passengers in her?—There were about 15 to 20.

2985. And were there other passengers getting in when you got there?—There was no one on the starboard side of the boat deck then.

2986. What did you do then?—I went to the promenade deck, and she got another 10 more, making about 35.

2987. 15 and 10 are 25?—Yes, and another 10 makes 35.

2988. Where did the other 10 get in?—On deck.

2989. And then did you lower her down to the water?—Yes.

2990. And she got away safely?—Yes.

2991. Did you go in her, or remain in the ship?—I went in her.

2992. After you had lowered her down you got into her?—Yes.

2993. Now how many had she altogether, when she left the side?—She had 35 passengers.

2994. Then you got in and that made 36?—I am including myself.

2995. Could she have held some more?—Yes, she could have held five or six more.

2996. Then why did you not take in five or six more?—Because they were not there to take.

2997. Nobody else there?—No.

2998. After you got in her did you row away from the ship's side?—Drifted away.

2999. Were you hailed by anybody to take somebody else?—Yes.

3000. Who hailed you?—Four in the water, people we picked up.

3001. That would make 39 in your boat?—Yes.

3002. Did anybody else hail you?—No.

3003. And with that boat did you rescue all you could?—Yes, those that were nearest.

3004. Had you oars in the boat?—Yes.

3005. Were you using the oars at all?—Yes.

3006. Did you see any other people in the water?—No, not about where we were.

3007. Did you see or hear the explosion?—I saw it.

3008. You were on the starboard side of the vessel at that time were you?—Yes.

3009. And when you saw it can you tell us whether there were any boats in the davits?—No, 7, I think.

3010. No. 7 we have been told certainly was on the port side. On the starboard side I ask you?—There was one in the davits.

3011. Which was that, the after end or the forward end?—The forward end.

3012. Could you see what happened to that when the explosion took place?—It got thrown off the chocks into the water as far as I could see after the explosion struck us.

3013. You saw the explosion, and then [you saw this boat go into the water?—Yes.

Mr. Butler Aspinall: No question.

Examined by MR. McDONALD.

3014. Could you tell me the name of the Chief Steward?—Mr. Hannay.

(*The Witness withdrew.*)

MR. JOHN DOHERTY, Sworn.

Examined by MR. BRANSON.

The Commissioner: How many stewards have you to call?

3015. *Mr. Branson:* I think this is the last of the passenger stewards. My Lord (*To the Witness*): You were an assistant bedroom steward were you not?—Yes.

3016. I think about noon on the 28th your duties took you on deck to get a key?—Yes.

3017. Did you see the submarine then?—Yes, I saw the submarine.

3018. Did you get any orders from the chief steward?—Yes, I got orders when I went below again.

3019. What were the orders?—To tell everybody "All hands on deck."

3020. Did you receive any order to go to your boat?—Yes, to proceed to the boat.

3021. *The Commissioner:* Had you been in the "Falaba" before?—Yes.

3022. Which was your boat?—No. 3, the previous voyage.

3023. And it would be the same on this voyage I suppose?—Yes.

3024. *Mr. Branson:* Did you go to No. 3 boat?—Yes, I went to No. 3 boat.

3025. Did you help to lower her?—No; I was told to get into No. 1 boat.

3026. Who told you that?—The chief officer.

3027. Did you get into No. 1 then?—Yes, I got into No. 1 boat.

3028. Will you tell us what happened to No. 1?—I do not know what happened to No. 1. Although they were pulling her away and she went into the water and was smashed. I know I found myself struggling in the water.

3029. Then did you get a hold of an air-tank?—Yes.

3030. Were you picked up by another boat?—Yes, I was picked up by another boat round the stern of the ship.

3031. Could you tell us the number of that boat?—No, I could not tell you the number of the boat; I think it was the boat with the four passengers in her.

3032. That would be No. 2 boat, would it not?—Yes.

3033. What was the condition of No. 2 boat when you were picked up by her?—There was some water in it.

3034. Was she breaking up or not?—She was not breaking up then, no.

3035. Had she got any bottom in her?—She had got a bottom to the boat when I got in; the bottom was in her then.

3036. And what did you do then, did you pull away?—I helped to pull away, and the torpedo hit the ship.

3037. Had you got very far from the ship?—No, we had not got very far.

3038. How far?—I could not exactly say; we would be about 100 yards away, I think.

3039. When the torpedo struck the ship did anything happen to your boat?—Yes, I think the shock of it seemed to break it.

3040. Did you feel the shock?—Yes, I felt the shock of the explosion.

3041. In the boat in which you were?—Yes.

3042. Were any boats hanging from the davits on board of the "Falaba" when the torpedo exploded?—Yes, No. 8.

3043. Did you see what happened to that boat?—To my mind it seemed to jump, and turn over.

3044. Then you were taken on board the steam drifter?—Yes.

Examined by MR. BUTLER ASPINALL.

3045. You said you felt the shock of the torpedo while you were in boat No. 2?—Yes.

3046. Did anything happen to the boat at the time when you felt the shock of the torpedo?—I felt the shock of

the torpedo; the boat seemed to break away somehow, the bottom of it.

3047. What did you say about the bottom of the boat when you felt the shock of the torpedo?—It felt as though it moved away.

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MR. EDWIN LOUGH TAYLOR.

[Continued.]

Examined by MR. COTTER.

3048. What position were you in from the side of the ship; were you on the starboard side or the port side?—I must have been on the starboard side, I was on the starboard side.

3049. Were you aft or forward?—I was right in the middle pulling on an oar there, trying to get away from the ship.

3050. Have you ever taken part in boat drill?—Yes.

3051. Were any instructions given to you by the chief steward or the second steward?—My instructions were to go and see in my room that everybody was out.

3052. First or second class?—First class.

3053. Were any passengers in the room when you went in?—No, there was only one lady passenger.

3054. Was she in the room?—Yes.

3055. Did you give her a lifebelt?—The bedroom steward went to see about her.

3056. Are you not a b.droom steward?—Yes, but I mean the chief bedroom steward then came along by the steward house.

3057. Were the lifebelts in good order?—Yes, all the lifebelts were in good order to my knowledge.

3058. When did you examine them last?—I examined them last the day before we joined the ship.

3059. And you knew how to put a lifebelt on, and you could show a passenger how to put it on?—Yes.

3060. Did you go on deck with any lifebelt?—No, I had none.

3061. Did you see any lifebelts on deck?—No.

3062. Did you give any out?—No.

3063. Were any members of the crew assisting passengers into the boats?—They were all assisting so far as I could see. I was in No. 1: that was the first boat to get away.

3064. Did you see No. 8 boat actually collapse?—To my mind it was No. 8.

3065. The after boat?—Yes.

3066. On the starboard side?—Yes, on the poop.

3067. Did you see it collapse?—I saw it jump off the chock. I saw it jump up out of the chocks.

3068. What happened then?—I do not know, the next time I saw it, it was alongside down in the water.

3069. Did you see the explosion of the torpedo?—Yes.

3070. Can you give us any idea of what it was like?—No.

The Commissioner: What do you want to know.

Mr. Cotter: I want to know whether it was part of the ship that was blown out or whether it was simply some water that went up into the air.

Witness: I think it was some part of the ship blown out.

The Commissioner: We only know that there was a hole blown in the ship; at least we suppose so. Are you suggesting there was no hole made in the ship?

Mr. Cotter: No, what I suggest is that if the ship was struck just on the water level, the ship itself, the plates would go up in the air; if she was struck below the water line you might see an explosion of water in the air, and if she was struck by any part of the wreckage, No. 8 boat might have then lifted her in the falls. It seems extraordinary that nobody can tell us how that boat got out of those falls.

Examined by MR. HOLMES.

3071. Will you tell us where you last saw the Captain?—I saw him on the bridge before the torpedo struck us.

3072. What was he doing there?—He blew a whistle three times.

3073. What was that for?—I could not tell you I am sure.

3074. Was there any other vessel coming along?—Yes, there was a trawler coming along.

3075. And he was signalling to the trawler?—Yes: that was my idea anyway.

(The Witness withdrew.)

After a short adjournment.

MR. EDWIN LOUGH TAYLOR, SWORN.

Examined by MR. DAN STEPHENS.

3076. *Mr. Dan Stephens*: Did you join the steamship "Falaba" as a Marconi operator?—Yes.

3077. And this was your first voyage in her?—Yes.

3078. Did you get any boat station?—I did not.

3079. Now the Marconi house, I think, is on the boat deck?—Yes.

3080. Aft of the engine room skylight?—Yes.

3081. Now I think the voyage proceeded without incident until Sunday, March 28th, and some time that day did the chief officer come to your room?—Yes he did.

3082. What time would it be about?—It would be about 12.25.

3083. Is that by the clock in your house?—Yes.

3084. Do you know anything about these clocks at all—are they all regulated by a master clock, or do you get varying times?—I had to alter my own clock.

3085. Now what message did you get from the chief officer?—Send out 'Submarine overhauling us. Flying British flag No. 5132 636'.

3086. *The Commissioner*: Where did you get that message from?—From the chief officer.

3086A. *Mr. Dan Stephens*: I suppose he handed you a slip, did he?—No, he told me verbally.

3087. Did you send out the message?—I did.

3088. To what station?—D.L.D., Lands End Station.

The Commissioner: What time do you say this was?

Mr. Dan Stephens: By his clock, my Lord, about 12.25.

3089. *The Commissioner (To the Witness)*: Can you tell us what time you were keeping?—Greenwich time, my Lord.

3090. You started with Greenwich time of course?—Yes.

3091. And you had not changed it?—No, I had not changed it at all.

3092. I have understood so far that you have been talking about Greenwich time.

Mr. Dan Stephens: I thought the other witnesses were talking of the clocks in various departments.

The Commissioner: I suppose they were, but these clocks started at Greenwich time—had they been altered?

Mr. Dan Stephens: There is no evidence upon that, my Lord. I think they cannot have been, because the different compartments differ so widely.

3093. *The Commissioner*: Then if it was Greenwich time in the Marconi house and we have been talking about Greenwich time up to the present point in the Inquiry, then this message was received at about the time the torpedo was discharged. (*To the Witness*): That is so, is it not?—Yes.

3094. How long after you received this message did you hear the torpedo?—I should think it would be about a quarter of an hour.

Mr. Dan Stephens: That is why I say it cannot have been, because the engine room time and the deck time differed.

The Commissioner: How much?

3095. *Mr. Dan Stephens*: Roughly, 10 minutes as far as my calculation goes, so that I do not think the clocks can have synchronised. (*To the Witness*): You started from Liverpool with Greenwich time?—Yes.

3096. You personally had a clock in your Marconi house—when did you change that?—We do not alter the

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MR. EDWIN LOUGH TAYLOR.

[Continued.]

clock at all when working to a British call station in the British Isles.

3097. *The Commissioner*: Then you still had British time?—Yes.

Mr. Dan Stephens: You mean by that answer that supposing the master of the ship got an observation and altered his clock whilst along the coast of the British Islands and changed his time—

The Commissioner: Does he do such a thing?

Mr. Dan Stephens: I assume he would.

The Commissioner: Would he do such a thing Mr. Aspinall?

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: How often do they change their time? On board a liner you know it is changed once in every 24 hours.

Mr. Butler Aspinall: At noon, my Lord.

The Commissioner: It is explained to me, and I want to understand it. Is it to be assumed that the master changed the time on his timepiece at noon?

Mr. Dan Stephens: There is no evidence at all, I think, upon the point, but perhaps the chief officer will be able to tell us.

The Commissioner: Is he here?

Mr. Dan Stephens: Yes, my Lord.

The Commissioner: Then you had better ask him.

Mr. Dan Stephens (To Mr. Baxter): When you left Liverpool did all the deck clocks work on Greenwich time?

Mr. Baxter: Yes.

The Commissioner: All the clocks would have Greenwich time?

Mr. Baxter: Yes, but our clock was altered between 8 and 10 in the morning on the Sunday morning, and also all the saloon clocks.

The Commissioner: You changed the time between 8 and 10 o'clock?

Mr. Baxter: Yes.

The Commissioner: And how much change would you make?

Mr. Baxter: Something like 35 minutes. It was after breakfast that the clock was altered. The third officer altered the clock himself.

The Commissioner: Were all the ship's clocks changed at that time.

Mr. Baxter: Yes, except in the engine room, and we generally ring that about midday.

3098. *The Commissioner (To the Witness)*: Do you change your clock when the ship's clocks are changed?—No, my Lord.

3099. Then there are three different times on board the ship. There is your time, there is the Greenwich time that has not been changed, and there is the ship's clocks that have been changed?

Mr. Baxter: The clocks are generally altered every day at midday.

The Commissioner: I thought you said the ship's clocks on this occasion were altered from 8 to 10 o'clock in the morning?

Mr. Baxter: Yes.

3100. Then the next day would you alter them at 12 o'clock?

Mr. Baxter: At midday.

3101. Why do you alter them on one day between 8 and 10 and the next day at 12?

Mr. Baxter: They are always altered between 8 and 9 as a rule.

3102. The first day you alter them between 8 and 9?

Mr. Baxter: Yes.

3103. And on other days you alter them at noon?

Mr. Baxter: On the other days we give the time right through at noon. The clocks are altered between 8 and 9 in the majority of ships.

3104. At the time that this explosion took place were all the clocks on board the ship registering one time, or were they all registering different times?

Mr. Baxter: All the time in the saloon, in both saloons and the smoke room and the bridge clock were all altered at the same time.

3105. But not the engine-room clock?

Mr. Baxter: No, not to my knowledge.

3106. When did they alter the clock in the engine-room?

Mr. Baxter: At midday; we generally ring the telegraph at midday.

3107. Is it a convenient thing to alter some of the clocks at one time, and to alter others at another time?

Mr. Baxter: No, because it is not so much out as that daily; it is not often that it is so much to be put back as all that.

3108. As 35 minutes?

Mr. Baxter: No, but I do not think that the clock had been put right from the time she left Liverpool.

Mr. Dan Stephens: Whilst Mr. Baxter is here may I prove one thing formally which I understand has not been proved. (*To Mr. Baxter*): Where was the "Falaba" torpedoed?

Mr. Baxter: I should say about the middle of No. 1 boat.

3109. Yes, but what place in the sea—what was the approximate position of the "Falaba" when she was torpedoed?—About 51°30 and 6°36 if I remember rightly. That is approximate though.

3110. *The Commissioner (To the Witness)*: Now by your clock as I understand, it was 25 minutes past 12?—That is right my Lord.

3111. And what was the message that you got?—"Submarine overhauling us flying the British flag No. 51°32—6°36."

3112. *Mr. Dan Stephens*: And did you get in touch—did you get a reply?—Yes.

3113. Then I think you made a request—that they send another signal?—Yes, I made a request that it should be passed on to a battle-ship and I heard the G.L.D. operator sending it on to the battle-ship.

3114. *The Commissioner*: What is the G.L.D.?—That is the call signal of the wireless station at Lands End. I heard him repeating it. Then I went to the bridge to verify it. It looks like the position—I thought it was the position—51°32 6°36 so I went to the bridge and the chief officer verified the position. Then I sent the second position, giving the position as 51°32 north 6°36 west and "torpedo going boats."

3115. *Mr. Dan Stephens*: Now you have told me you went back from the bridge to the Marconi house?—Yes.

3116. And then as you were going back did you hear a hail from the submarine?—I heard something shouted but I could make out what it was.

3117. Then what did you do after that?—I returned to the Marconi room and dispatched the second message.

3118. What was that?—The second message was "position 51°32 North 6°36 West torpedo going boats."

3119. Did you take the time of that message?—Yes, about 12.35.

3120. So that at 12.35, if that message was accurate, your vessel had been torpedoed?—No, I added that part as a precautionary measure.

3121. I thought the message was "torpedo going boats"?—That is right.

3122. Now will you explain?—I added that as a precautionary measure because I knew in a very short while we would be torpedoed.

3123. Can you state in a very short way how long after 12.35 it was that the torpedo did in fact strike the ship?

The Commissioner: Are you now talking about 12.35?

Mr. Dan Stephens: I am taking his time, my Lord. This is the second message. My object was to see what time elapsed between the messages.

The Commissioner: Yes, quite.

3124. *Mr. Dan Stephens*: If you cannot say so but if you can please do, how long after that second message which you say was sent at 12.35 did the torpedo, in fact, strike the ship?—About 10 minutes.

3125. Did you look at the clock for that time?—Yes.

3126. And were you in the Marconi house when the torpedo struck the vessel?—No, I was not.

3127. Where were you?—I was in the boat—in the water.

3128. *The Commissioner*: Had you two operators on board or only yourself?—Only myself.

3129. *Mr. Dan Stephens*: You were in the water, you say?—I was in the boat.

3130. Which boat was that?—Boat No. 1.

3131. *The Commissioner*: Were your messages sent on clear or on code?—In plain language.

3132. *Mr. Dan Stephens*: Now you have told us that you were in the water and that the boat had fallen in the water?—Yes.

3133. What happened?—I do not know what happened but something happened to the falls and we dropped to the water, that is all I know.

3134. Which falls?—The falls of the boat.

3135. At which fall?—The after fall it was.

3136. Something happened to that?—Yes.

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MR. JAMES MARCHBANK.

[Continued.]

3137. The boat dropped into the water and out you went—is that it?—I fell over the side, and then I climbed in again.

3138. And when you climbed into the boat was the boat upright?—The boat was upright.

3139. Had she any water in her?—Yes, she was pretty full of water then.

3140. And were there any people in her?—There were about 10 or 15 people in her then.

3141. You were rescued, I think, by a trawler who came up some time after?—We drifted round the stern of the "Falaba" then, and we were taken aboard a subsequent boat.

3142. Do you know what the number of that boat was?—I could not say the number, but I know there were some passengers in it—a Mr. D. J. Ryder, of Plymouth.

3143. That would be boat No. 2?—Yes.

3144. They picked you up, did they?—Yes, that is right.

3145. Now then, I would like you to tell us about that boat, because other witnesses have told us something about it?

The Commissioner : That is No. 2.

3146. *Mr. Dan Stephens* : Yes (*To the Witness*) : Would you tell us when you got into that boat what its condition was?—Round the gunwale at her stern it was damaged. They took about 10 of us aboard, and after they took us aboard we drifted round the bow of the "Falaba" to the starboard side again and we just got round there when the submarine put the torpedo into the "Falaba" and there

was a violent explosion and I do not know whether it was through the concussion of the explosion or not, but part of the bottom of the boat—the end I was at—fell away.

3147. *The Commissioner* : You mean that this end fell away at the moment of the explosion?—Shortly after that, my Lord.

3148. What do you mean by shortly after—how long after?—Two or three minutes.

3149. *Mr. Dan Stephens* : You say you got into the boat and you found damage to the stern?—I did.

3150. Would you describe the damage to the best of your ability?—It was just one of the planks; one came away about a foot from the stern. That was all the damage that was done.

3151. You cannot explain how that was done?—No. I could not explain how it was done. I did not see the boat at all.

3152. Then you were taken in that boat, and from that boat there were 10 others taken on board?—There were 10 of us taken aboard. There were 15 of us altogether, and we drifted about for about 3 hours, and then we were picked up by the steam drifter "Orient II."

3153. Did the boat remain a floating boat apart from the part that came away?—No, it was awash.

3154. But you were holding on to it?—That is right.

3155. I do not know whether you noticed or you can help us; your position was not a very comfortable one, but when the torpedo was fired did you see any boats in the davits?—One boat, No. 8, aft on the poop.

Mr. Butler Aspinall : No questions.

Examined by MR. JOSEPH COTTER.

3156. Was the hole in the bottom of the boat big enough for a man to go through?—Yes, it was quite big enough for that.

3157. So that there must have been more than one board gone?—The board that was gone first was when we were being taken aboard the boat. This was after the explosion.

3158. *Mr. Joseph Cotter* : We have evidence here, my Lord, of Mr. David Ryder. No. 1434 is the question, "When did the boat you were in start to break up?—About 5 or 6 minutes after we were let down in the water. And then you took ten people on board?—Yes, we dragged them in." (*To the Witness*) : Was the hole

in the boat when you got into the boat?—No, not when we got into the boat. At the top beside the stern there was one plank for about a foot distant from the stern, but it was a floating boat then.

3159. And the little damage to the bottom happened to the boat after you were taken into the boat—not before?—That is right.

3160. Then there must be a mistake in the evidence of Mr. Ryder?—No, he was there when the bottom of the boat fell out—he was at the other end of the boat.

3161. He stated that after the bottom fell out he took you into the boat.—He is wrong there.

(*The Witness withdrew.*)

MR. JAMES MARCHBANK, Sworn.

Examined by MR. BRANSON.

3162. Were you chef on board the "Falaba"?—Yes.

3163. I want you to go straight to the time when you were summoned on deck by an order of "All hands on deck." Did you go up on to the promenade deck?—I did. After I heard the second engineer sing out "All hands on deck" in the engine-room I walked out of the galley to the promenade deck, and when I got to the promenade deck, No. 3 boat, my boat, was leaving the ship with about 40 people in it with the third engineer steering, and I could recognise three or four stewards rowing.

3164. Then you went back for your lifebelt?—I went back to my room for my lifebelt and came on deck.

3165. Did you see No. 2 boat?—I came to the break of the houses by No. 3 hatch and I heard a crash in the water and I turned round and I saw No. 2 boat hanging by the forward fall. I turned round then to look aft considering what I was going to do and I heard another crash and the boat had disappeared. I went and looked over the side and I saw her floating upright with four men in her, passengers as far as I could make out, and no oars in the boat. Whether they had fallen out when she was hanging end on or not I do not know, and she was drifting away aft and it came to my memory that I had left about 15 fathoms of rope during the morning for a purpose I was going to use it in the afternoon, and I went aft and threw the end of this rope. There was a gentleman in this boat whom I recognised after he was saved, a man of short stature, with dark moustache. I threw him the end of the rope and made the other end fast on board, and in looking over this boat

I saw another boat, and from what I could make out she was submerged and the ribs of her were sticking up, and passengers swimming about crying for help. One man I noticed particularly, in khaki, his face was all blood, and I recognised another man, Ford, and the head man, a coloured man, one of the crew, swimming towards No. 2. I shouted to the man in No. 2, to this passenger, to slack away and pick these people up. Then I heard some laughing and jeering and I turned round and the submarine was lying about 40 yards off our port quarter. I shook my fist at them and called them some names and I turned round again and No. 2 boat was pretty well submerged then and the people from No. 1 were swimming to No. 2. How I knew it to be No. 1 boat was on account of recognising Ford, the ship's storekeeper. I asked him on the Monday morning afterwards which boat it was he belonged to and he told me it was No. 1 lifeboat and that some accident had happened to her and he went after her.

3166. Now did you see the surf boat being filled?—Afterwards I went on the poop and the chief officer came from the gig. I saw him lowering the gig and the surf boat was swung inside on the chocks and the awning stanchions were up. I got the axe out of the boat and started to cut the straps away and held on to the surf boat, the stanchions were loose over the side and we got her out. The chief officer was in charge and we got her swung clear and lowered to the rail and we were waiting for the stewardess. Some one shouted out there is a lady to come, and I was looking along the deck, and I heard the chief officer pass the remark : Here it comes, and

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MR. ROBERT HARRISON.

[Continued.]

with that, the torpedo struck us about the fore part of No. 3 hatch, the break of the houses.

3167. What was the effect on No. 8 boat?—The effect on No. 8 boat, as near as I could judge, was I had the fall in my hand and it seemed as if all at once she was not properly clear of the side. I had been shouting to some of the passengers to clear her away, and she disappeared all at once. She jumped in the falls. Whatever gave way I do not know. Whether it was the eye falls of the blocks where the blocks were hooked on to her or what it was I do not know.

(The Witness withdrew.)

MR. ROBERT HARRISON, Sworn.

Examined by MR. DAN STEPHENS.

3170. Are you a quartermaster?—Yes.

3171. And in that capacity did you join the "Falaba" on this voyage?—Yes.

3172. Had you been in any other ship of the same Company before?—Yes.

3173. Now, when in the "Falaba" had you any station?—No.

3174. Had you a station on the previous voyage?—Yes.

3175. What was that?—I was not in the "Falaba" on the previous voyage.

3176. I beg your pardon. This was your first voyage. So you had no station?—No.

3177. Now, I think you were at the helm when the submarine was sighted?—Yes.

3178. And when the submarine was sighted did you hear the captain say anything?—The third officer sighted the submarine.

3179. Then after that did you hear the captain say something?—Yes.

3180. You did hear the captain say something?—Yes.

3181. What did he say?—He was looking through the telescope, and he says: "She is flying a German flag"; but he did not take the telescope away from his eye, and he said: "No, she is a German all right."

3182. You said she was flying the German flag?—No, I mean she was flying the English flag.

3183. *The Commissioner*: Why on earth did you say she was flying the German flag? You said the captain made the observation that she was flying the German flag.—I made a mistake.

3184. *Mr. Dan Stephens*: Be careful, will you, please. She was flying the English flag, and then looking through the telescope he said —?—She is a German all right.

3185. Then I think he gave an order to the helm?—Yes, to hard-a-starboard.

3186. Who gave that order?—The captain himself did.

3187. Did you carry out that order?—Yes.

3188. And did you endeavour to keep the submarine astern of you?—Yes.

3189. After that did you hear or know of any signal that you received?—Yes, the submarine sent up three flag signals. The first one was stop immediately. They hauled that down and put another one up "Stop or I will fire," and the captain consulted the chief officer and the chief officer said the passengers are crowding the decks so we had better stop the ship before they shell it; and they sent up another signal after that "Abandon ship immediately."

3190. Had he stopped the ship before that signal?—Yes.

3191. He had rung the telegraph "Stop"?—Yes.

3192. Then at some time the third signal came "Abandon the ship"?—Yes, "Abandon ship immediately."

3193. Now then after that did you hear a hail?—I heard a hail, but I could not hear what was said.

3194. I mean from the submarine?—From the submarine to the captain.

3195. But you did not hear what was said?—I did not hear the exact words.

3196. Who were left on the bridge when you heard that hail?—The captain was on the bridge, and the officer kept coming backwards and forwards from the boat deck.

3197. And you were on the bridge?—I was in the wheel house.

3198. Then did the captain say something to you?—The captain says to me "That will do for the wheel, quartermaster, help to get the boats away."

3168. Then I think you dived into the water afterwards?—No, I put some awning falls over the stern first. The chief officer shouted, "Put all floating gear aft," and I asked him if he was coming, and he said: No; he was going to see the captain first. Then I dived, after putting the butchers over the stern.

3169. And then you were picked up by a trawler?—I got hold of one of the awning falls on my ship and picked the steward up. He could not swim, and we swam to the trawler, and after about an hour we reached her.

Mr. Butler Aspinall: I have no questions, my Lord.

3199. At the time the captain said that, did you look at the clock?—Yes, it was right over my shoulder.

3200. The clock in the wheelhouse?—Yes.

3201. What time was it by that clock?—20 minutes past 12.

3202. Now having got the order from the master where did you go to?—On to the boat deck.

3203. Which side?—On the starboard side.

3204. When you got there what boat did you go to?—I went to No. 5 boat.

3205. That is the most forward one on the starboard side?—Yes, and helped to swing it out and lower it away to the rail on the promenade deck. The chief officer called to me and my mate and took us aft on to the poop.

3206. When you left No. 5 had it been lowered to the promenade deck?—Lowered to the promenade deck.

3207. Were there any people in it when you left it?—I could not tell you. I could not see the boat aft.

3208. Did you see No. 1 or No. 3 at all?—No.

3209. Then you were ordered by the chief officer to go on to the poop?—Yes.

3210. What did you do there?—We lowered away the small gig.

3211. Was there anybody in the small gig?—The chief officer sent me to see if there was anybody in and to put passengers in. When I got down there were half a dozen coloured men in the boat, and I ordered them to get out, and they got out.

3212. You mean they were your own crew?—No, they were deck passengers, you could not tell.

3213. But they were coloured men and they got out?—Yes, and the chief officer brought a lady along and put her into the stern of the gig.

3214. And then, the lady being in the gig, was the gig filled with passengers?—Yes, filled with passengers.

3215. And that was lowered away all right?—The chief officer put the fourth officer in charge and put me in the boat with him.

3216. And that we know was lowered away all right and got away all right?—Yes.

3217. Could you give us any idea of how many people were in that boat?—Well, I could not swear to it, but I should think there would be 16 or 17 persons in it; I could not swear to that.

3218. At least that?—At least that.

3219. Somebody said 20, I think. Then when you got away which way did you go?—We did not go any way. We could not go any way really. There was one, me, the only sailor man in it. The passengers were put one side and I just kept the boat head on. I do not suppose we moved 20 yards all the time.

3220. Where were you when the torpedo was fired?—We were opposite the ship's bows on the starboard side, about 150 yards away.

3221. Then you had made some advance from the stern?—No, the ship had swung round. We had not moved, but the ship had.

3222. And did you hear the explosion and see the effect of it?—I heard the torpedo going through the water. I did not see the torpedo strike the ship. I was this way on (*describing*, but where the explosion took place dust and smoke came up, and I was right in the centre of the well deck.

3223. Did you notice anything that struck you?—No, I did not notice anything.

3224. Did you notice whether any boats, for instance, were smashed?—No. You could not see any boats. If

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CHARLES DUNCAN HINMARS.

[Continued.]

there were any boats on the poop I could not see them from the dust of the explosion.

3225. You were in the gig, and the sea got up and you kept afloat?—Yes. Some people had remained, but there was a pretty big sea with a top on it.

3226. However, you managed to keep the gig afloat until you were rescued?—We were picked up by the "Eileen Emma."

Mr. Butler Aspinall : No, questions my Lord.

Examined by MR. LEWIS TAYLOR.

3227. Can you tell me the time when the first signal was received?—I should think about 12 minutes after sighting the submarine.

3228. And how long elapsed between the first and the second signal?—A matter of half a minute.

3229. Could you tell me how many persons the gig would hold?—The gig with a decent capacity would hold about eight persons, I should think.

(*The Witness withdrew.*)

CHARLES DUNCAN HINMARS, Sworn.

Examined by MR. BRANSON.

3230. Were you captain's steward on the "Falaba"?—Yes.

3231. You received an order to go on deck and to take to the boats?—I do not say I received an order. I was on deck at the time.

3232. You were ordered to take to your boat?—Yes.

3233. Was that your station?—Yes.

3234. Did you go to the falls of No. 1 boat?—Yes.

3235. Which falls?—The forward falls.

3236. Was anybody with you?—The bar-keeper, Williams.

3237. Do you know who was at the after falls?—I could not say.

3238. Now you start to lower the boat?—Yes, I started to lower it away.

3239. What happened—how far did she get down?—She

got about half way down I suppose and something happened to the after falls.

3240. Did you see what happened to the after falls?—No.

3241. What happened to the boat?—The after part of the boat went down, we let her forward, and down first as far as we could, but the after end got down first and parted from the end of the boat.

3242. Did you help to swing out No. 8 boat?—Yes, I did.

3243. Was she still in the davits when the torpedo struck the ship?—We had just got her over the side.

3244. And what happened to her?—She dropped. Whether the rope smashed, or what happened to her I cannot say, but she certainly dropped from the ship into the water.

Mr. Butler Aspinall : No questions.

(*The Witness withdrew.*)

DUNCAN IRVINE, Sworn.

Examined by MR. DAN STEPHENS.

3245. Did you join the "Falaba" as deck boy?—Yes.

3246. Was it your first voyage?—No, my second voyage.

3247. Then you would have a boat station; had you?—Yes.

3248. What was your station?—No, I did not have any boat station.

3249. Now, then, I think you, when the submarine was reported, were in your bunk—were you asleep?—Yes.

3250. And did you dress and go on deck?—Yes.

3251. Now at some time there was an order to get the boats out?—Yes.

3252. What boat did you go to?—I went to boat No. 5 first.

3253. Why did you go to No. 5 boat?—To give a hand to lower the boat.

3254. Did somebody tell you to go to that boat?—No.

3255. You just happened to go to that boat first?—Yes.

3256. And you went there for the purpose of assisting to get it out?—To lower the boat.

3257. Now, when you got there was it swung out?—Yes.

3258. And what part of it did you go to—the forward or the after part?—The after part.

3259. And what did you do. Just tell my Lord what you did in your own way. You were there?—I was clearing the after falls.

3260. Was it foul?—As they were lowering it it got fouled in the blocks.

3261. As who were lowering?—While I was clearing away the fall, I could not see who was lowering it.

3262. But it was foul when you got there, was it?—Yes.

3263. What was the nature of the foul—how was it fouled?—The rope was twisted in the block.

3264.—Did you clear it?—I was clearing it and one end of the fall could not go down. The forward end must have been let go and it ran down.

3265. While you were clearing the after fall, the forward fall must have been let go, and down the boat went?—Yes.

3266. And what happened then?—I went to No. 3 boat.

3267. And how was No. 3 boat when you got to it?—They were beginning to lower it, and I got into the boat.

3268. That was lowered and got away safely?—Yes.

3269. Going back to No. 5, did you see what happened to the forward fall, or did you not notice at the time?—I did not notice it at the time.

3270. All you know is that while you were trying to clear the after fall the forward fall went—is that what you saw?—Yes.

Examined by MR. BUTLER ASPINALL.

3271. After this accident did you ship in the "Way-farer," the Harrison line?—No, the "Candidate."

3272. And were you in her when she was torpedoed?—Yes.

3273. Are you going to sea again?—Yes.

(*The Witness withdrew.*)

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HORATIO GEORGE WRIGHT.

[Continued.]

Mr. Dan Stephens: Now, my Lord, I have a large number of witnesses—I mean members of the crew—and my learned friend Mr. Branson and I have gone through their statements and they appear to us not to carry the case any further; that is to say they speak to nothing new, but of course the Board of Trade is extremely anxious to put before the Court anything that your Lordship would want or anything that those present would want who are representing different people.

The Commissioner: At present I am in this condition, that I have not the least idea what these witnesses can say or are prepared to say. You must exercise your own discretion about it. There is not any one of them, so far as I know, that I desire to hear.

Mr. Dan Stephens: The difficulty of exercising one's discretion is that you put a witness into the box and you get something quite different from what you expected. That has been my experience on two occasions.

The Commissioner: It must have been your experience on very many occasions. It has been mine, I know.

Mr. Dan Stephens: I have got members of the crew, black and white, and if my friends want them I will call them if they like.

The Commissioner: Has Mr. Aspinall seen them?

Mr. Butler Aspinall: Yes, my Lord, and from what Mr. Stephens has told me I do not think these witnesses would give your Lordship any additional information.

The Commissioner: Very well. If that is your opinion and Mr. Stephens' opinion I shall accept it.

Mr. Dan Stephens: If you please, my Lord. Then there is only one other matter, and that is this. As your Lordship knows there were several drifters came along, and we have witnesses from them.

The Commissioner: How many drifters came up altogether?

Mr. Dan Stephens: Three, my Lord.

The Commissioner: Were they drifters or trawlers?

Mr. Dan Stephens: Steam drifters, my Lord, and I have statements from all of those drifters. Of course I do not know that it is very material to the inquiry before your Lordship.

The Commissioner: Unless they saw something of the boats that is useful, I do not know what they can tell us except the number of people they saved.

Mr. Dan Stephens: Then perhaps the best course would be to call the first one—the one who came first upon the scene.

The Commissioner: Yes, I think so.

Mr. Dan Stephens: Mr. Branson tells me, and it agrees with my recollection, that there is nothing in his proof that helps at all so far as the boats are concerned—nothing that can assist your Lordship.

The Commissioner: Then upon what point are they important?

Mr. Dan Stephens: Personally I do not think they have any importance at all. Of course they did what we should expect British seamen to do on board this class of vessel.

The Commissioner: They seem to have done their duty.

Mr. Dan Stephens: I do not think, my Lord, they carry the case any further.

The Commissioner: What do you say about these witnesses from the drifters, Mr. Aspinall?

Mr. Butler Aspinall: My Lord, we have one, the captain of the drifter "Eileen Emma," who, if he comes up to his proof, can give us a good deal of detailed information. I do not know if you have seen his proof, Mr. Stephens—I expect you have.

The Commissioner: If it is of any importance you had better put him into the box. Have you ascertained the nationality of the people who were on board the "Falaba"—the passengers I mean?

Mr. Dan Stephens: Your Lordship has it in the list.

The Commissioner: It is in the Particulars that you gave me.

Mr. Dan Stephens: Yes. It is in the Particulars, and also in the Passenger List. It gives all details in the Passenger List that I put in. Speaking from recollection, I think there were only three not British subjects.

The Commissioner: One Danish, one Greek, and one American.

Mr. Dan Stephens: Yes, my Lord, Mr. Thresher.

HORATIO GEORGE WRIGHT, SWORN.

Examined by MR. DAN STEPHENS.

3274. Are you master of the "Eileen Emma"?—Yes.

3275. Is she a steam drifter of the port of Lowestoft?—Yes.

3276. I think you hold a master's certificate for fishing vessels?—Yes.

3277. And did you leave Milford Haven on the 25th March bound for the fishing ground?—Yes.

3278. Now did you arrive at some time in a position about 60 miles to the westward of St. Ann's Head?—Yes.

3279. And did you see this liner torpedoed?—Yes.

3280. Approximately, how far was she from you when you saw that?—When she was torpedoed I should think about 300 yards.

3281. *The Commissioner*: You were 300 yards away?—Yes.

3282. *Mr. Dan Stephens*: Can you tell my Lord anything about the boats of the "Falaba"?—Well, sir, I saw two boats in the davits as the boat was torpedoed, on the starboard side.

3283. Were the two boats you saw in the waist of the ship or at the end of the ship?—I could not see exactly where they were, as she was almost head on to us.

3284. But you saw two boats in the davits when the torpedo struck the vessel?—Yes.

3285. Did you see any boats in the water?—Yes, I saw three boats in the water.

The Commissioner: Is that at all in accordance with the evidence?

Mr. Dan Stephens: With the evidence of one or two witnesses, my Lord.

The Commissioner: That they were in the davits at the time the ship was struck?

Mr. Dan Stephens: Yes, my Lord, in the earlier evidence.

The Commissioner: Is that so, Mr. Aspinall?

Mr. Butler Aspinall: There is some evidence to that effect; whether it is trustworthy or not I do not know.

Mr. Dan Stephens: Of course, the distance that this gentleman gives comes as a first surprise to me—300 yards from this vessel when the torpedo was fired.

The Commissioner: Yes, I understand that.

3286. *Mr. Dan Stephens*: We have had a lot of witnesses who have told us that No. 5 was free of the ship before the torpedo was fired.

Witness: That I do not know—not about numbers of boats.

3287. However, what you saw was two boats swinging in the davits at the time the torpedo struck the ship?—One end was started to be lowered whilst I was in the water.

3288. Did you see any other boats?—I saw three boats in the water with people in them and no other boats, only wrecked boats.

3289. Tell us about the wrecked boats.—I came across the wrecked boats as I was picking the people out of the water, and I saw the gunwale had gone out of one of the boats.

3290. Where were you when you were 300 yards off this ship—on which side of the "Falaba" were you?—On the starboard bow of the "Falaba."

3291. That is a wide position. Could you give me roughly were you broad on her bow or fine on her bow?—Broad on the bow.

The Commissioner: Then he would see these boats quite well.

3292. *Mr. Dan Stephens*: My Lord, may I have that picture which shows the boats in the water (*The same was handed to the learned Counsel.*) (*To the Witness*): That is the starboard side of the vessel. Did you see anything like that (*handing the picture to the Witness*)?—No.

3293. That is supposed to be a photograph of the position of the boats in the water?—No. I saw one up-turned boat in the water, but I never saw a boat sinking as this one appears to be doing.

3294. At whatever the distance you were, did you launch your dinghy at some time?—Yes.

3295. And did you save a large number of people?—Yes.

3296. What do you say the state of the sea was?—It was a rough sea at the time, with a good swell on it.

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HORATIO GEORGE WRIGHT.

[Continued.]

3297.—*The Commissioner*: This was just before the explosion, was it?—Yes. Of course after the "Falaba" went down, the oil from the ship smoothed the water.

3298.—The oil from what ship?—It was some oil from the "Falaba."

3299.—Would there be much oil from the "Falaba"?—There would be enough so that the water would not break when she went down.

3300. *Mr. Dan Stephens*: Had you launched a boat before the "Falaba" went down?—Yes, at the time she was being torpedoed.

3301. I gather from what you say that you launched a boat at the time the "Falaba" was being torpedoed?—Yes.

3302. I ought to tell you that there is evidence here before the Court from several witnesses that you did not come up until a considerably later time, is that so?—We were there the whole time.

3303. When I say came up, I mean that you were some distance away, but did not come upon the scene to effectively render life-saving service until, say, an hour after the accident?—Oh yes, we were there at the time the accident occurred.

3304. Your recollection is that you were on the spot?—Yes.

The Commissioner: He cannot make a mistake about that.

Mr. Dan Stephens: No.

The Commissioner: If he says he was about 300 yards away and saw the explosion so that he must have been there.

Mr. Dan Stephens: Yes, but the distance is the only thing. Your Lordship has often found that a witness who says that he was 300 yards away was not quite so close as that.

The Commissioner: That is quite true. Distances are sometimes very uncertain.

Mr. Dan Stephens: There is a considerable body of evidence which puts these steam drifters much further away at the material time.

3305. *The Commissioner*: How soon was it after the explosion that you got anybody on board your boat?—I got some within a minute.

3306. Do you mean to say that after the explosion you had some of the "Falaba" people on your deck within a minute?—I will not say within a minute.

3307. Within five minutes?—Yes, I do—within two.

3308. *Mr. Dan Stephens*: Now, you were the first steam drifter to come up, were you not, whatever time it was you came up?—I was there the whole time. I had been following the submarine an hour beforehand. I did not give up chase of it until I saw the "Falaba." I saw it was no good chasing then as she was faster than us, and I tried to save what people I could.

Examined by Mr. BUTLER ASPINALL.

3325. You remember hearing the explosion of the torpedo?—Yes.

3326. Now at the time did you form the impression that some of those boats on the starboard side were damaged or affected by the explosion?—Yes.

3327. How many?—Two.

3328. That was the impression you formed at the time?—Yes.

3329. *The Commissioner*: Damaged by the explosion?—Yes.

3330. *Mr. Butler Aspinall*: Now will you tell me this—how was it you picked these people up—how did you manage to do it?—Well, I took some into my small boat and some by lifebelts and lines and boat-hooks.

3331. And hauled them on board?—Yes.

3332. Some by boats-hooks you say?—Yes, any way that we could get them from the water.

3333. Do you think the people on the submarine could have done the same thing; could they have thrown lines or could they have used boat-hooks?—They could have done so; they could have saved a good many if they had a mind to.

3334. *The Commissioner*: I am quite at a loss to form an opinion. How many people do you think the submarine could have saved if they had chosen to try?—40 or 50.

3335. Have you ever seen a submarine except on this occasion?—Not in the sea-way. I have seen them lying in harbours.

3309. Were you the first on the scene?—Yes.

3310. Which was the second?—There were four or five boats came in altogether.

3311. Can you give us their names?—Yes.

3312. What were they?—"Orient II.," "George Baker," "Wenlock," and "The Emulate."

3313. And can you give us your recollection of how soon after you the "Orient II." came?—An hour and a half, I should think, to two hours.

3314. And the other boats?—About the same time.

3315. With the "Orient II."?—Yes.

3316. So the rest came up altogether about an hour and a half after you had been there?—Yes, "The Emulate" was the last boat that came up.

3317. *The Commissioner*: How many people did you pick up?—122, my Lord.

3317a. And how many were there saved altogether?

Mr. Dan Stephens: 95 passengers and 47 crew.

The Commissioner: Then this man saved nearly the whole lot.

3318. *Mr. Dan Stephens*: Yes, my Lord. (*To the Witness*): The "Orient II." got less than you, did she?—Yes, 14.

3319. You took how many altogether?—122 aboard of my drifter.

3320. *The Commissioner*: And the "Orient" 14, was it?—Yes.

3321. And how many altogether were saved?—*Mr. Lieck*: 142.

3322. *The Commissioner*: That would only leave six unaccounted for. Who picked up the other six?—The "Wenlock" had eight, the "George Baker" five, and "The Emulate" three.

The Commissioner: Then my arithmetic is all wrong. He is saving now a great many more than were saved.

Mr. Dan Stephens: Yes, my Lord, I have followed that. The figures will not work.

Mr. Bateson: He took 122 and the "Wenlock" eight.

The Commissioner: Yes, and the "Orient" took 14. That is 136. The "Wenlock" took eight; that is 144, and there were only 142 saved; and then there is another boat that took some.

3323. *Mr. Dan Stephens*: Yes, some. I think there may be an explanation, and that is that some of the people saved succumbed after they were on board your ship?—Yes.

3324. Through exposure?—Yes.

The Commissioner: That probably accounts for it?

Witness: Yes, six aboard of my ship and three or four aboard of another one.

The Commissioner: That accounts for it.

Mr. Dan Stephens: Yes.

3336. Where?—At Yarmouth. I have occasionally seen one at sea, but not close.

3337.—And from what you know of a submarine would it be possible for people on board to get people from the water on to the submarine?—Yes.

3338. You saw this submarine, did you not?—Yes.

3339. Did you see the people standing on the deck of the submarine?—Yes, in the conning tower, not on the deck.

3340. They could not save anybody I suppose unless they came out of the conning tower?—Not from where they actually were. They might if they had come out of the conning tower saved some of the people.

3341. If they came on the deck they could, could they?—Yes.

3342. Did you see them in the conning tower before the explosion?—Yes.

3343. Did you see them anywhere after the explosion?—I never saw them, only in the conning tower the whole time.

3344. Did you see anything of them in the conning tower after the explosion?—Yes.

3345. Did you see any of them on deck after the explosion?—No, I never noticed them. There was more to take my attention after that.

(The Witness withdrew.)

Mr. Dan Stephens: The next witness is the master of the "Orient II."

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MR. FREDERICK SELF.

[Continued.]

ERNEST EDWARD SOLOMON.

Examined by MR. DAN STEPHENS.

3346. Are you Master of the steam drifter "Orient II"?—Yes.

3347. And I think you hold a certificate as Skipper for fishing vessels and you have been at sea 23 years?—About 23 years since I shipped.

3348. And did you leave Milford Haven on the 28th March for the fishing ground?—Yes.

3349. Now about 12.30 p.m. on the 28th March did you see something?—I saw the smoke from where the explosion occurred—I saw the smoke in the sky.

3350. *The Commissioner*: How far were you away, do you think, then?—I should reckon about 8 to 10 miles.

3351. *Mr. Dan Stephens*: And going at what speed?—I should think we were going at about 7 miles an hour on and off that day.

3352. Where was the smoke from you—ahead of you or on either bow?—On the port bow.

3353. At that time did you see any other steam drifters?—Not exactly at that time.

3354. You troop out of Milford Haven, a crowd of you, do you not—a lot of you come out together from Milford Haven?—Yes.

3355. Were you in company with any other steam drifters?—They all stopped about 40 mile that day—the other drifters stopped about 40 mile that day.

3356. Were there any other vessels in company with you at 12 p.m.?—"The Emulate" was about six or seven miles to the southward of us I reckon, and after we had seen the smoke we saw the "Wenlock" and the "George Baker" and the "Eileen Emma."

3357. Now then, when you saw those vessels how far were they from the smoke?

The Commissioner: He could not tell you that.

3358. *Mr. Dan Stephens*: Was the "Falaba" still floating?—I never saw the "Falaba."

3359. *The Commissioner*: He saw nothing but the smoke, and he was, as I understand, 8 miles away.

The Witness: 10 miles away.

3360. *Mr. Dan Stephens*: Then you steamed in the direction in which you had seen the smoke, did you?—Yes.

3361. Did you get in amongst some wreckage of boats after a time—did you come up to some boats?—We picked up a boat with 14 men in it.

3362. You picked up a boat with 14 men in it?—Yes.

3363. What was the condition of the boat when you picked it up?—The water was going over the people. The boat was level with the water then.

3364. And you saved those 14?—Yes.

3365. *The Commissioner*: Were they all alive?—Yes.

3366. *Mr. Dan Stephens*: Did they all survive?—Yes, they all came round after a time.

3367. I think you supplied hot drinks, nourishment and dry clothes?—Yes.

3368. And then you took them back to Milford Haven?—Yes.

3369.—Can you tell me what time it was you picked them up?—It was about 2 o'clock when we picked them up.

Mr. Butler Aspinall: No question.

Examined by MR. LEWIS TAYLOR.

3370. Can you tell me how far the "Eileen Emma" was from you when you saw the smoke?—I could not say which was the "Eileen Emma." I never took that notice of her then.

3371. You do not know?—I do not know which one it was.

3372. *The Commissioner*: The "Eileen Emma" or whatever it was must have been 8 miles away from you?—Yes.

(The Witness withdrew.)

MR. FREDERICK SELF, SWORN.

Examined by MR. DAN STEPHENS.

3373. I think you are Master of the steam drifter "George Baker," of Yarmouth?—Yes.

3374. And you have been to sea for 28 years and hold a certificate as Skipper of fishing vessels?—Yes.

3375. And did you leave Milford Haven on Friday morning the 28th March bound for the fishing ground?—Yes.

3376. Now on Sunday about noon did you or somebody on board your vessel notice something?—Yes.

3377. What was it?—I heard a strange noise, and then we saw the "Falaba" sink when the "Falaba" was torpedoed.

3378. Did you see the "Falaba"?—No, I did not see her, but one of the crew saw her sink.

3379. One of the crew recorded that, did he?—Yes.

3380. You heard the noise?—No, I did not hear the noise.

3381. But the report you got from one of your crew was a strange noise and a ship sinking?—Yes, he heard a strange noise, and he came on deck and saw the "Falaba" sink.

3382. Did he tell you in what direction he had seen that?—Yes.

3383. Did you steer in that direction?—Yes.

3384. And after a time did you come up with other drifters or boats?—Yes, we came up with the "Eileen Emma," wreckage and dead bodies.

3385. What time was it that you came up?—We came up about a quarter-past one or half-past one.

3386. And did you save any of the passengers?—We picked up people out of one of the ship's boats.

3387. How many?—Five.

3388. Did they all survive?—Yes.

3389. When you steered in the direction in which your hand reported a strange noise and the vessel sunk, did you see the "Eileen Emma"?—I saw her after we had been steaming a little while.

3390. And we have been told that "The Emulate" and the "Wenlock" were also there?—They came up the same time as we did.

3391. Did either of them save any life?—Yes.

3392. Which one?—They both saved some.

The Commissioner: What is the object of this evidence?

Mr. Dan Stephens: There is a question, my Lord, as to what ships came up afterwards.

The Commissioner: We have got the names so far as they are material?

Mr. Dan Stephens: Yes, my Lord.

Mr. Butler Aspinall: I have no questions, my Lord.

(The Witness withdrew.)

Mr. Dan Stephens: Then having regard to what I told your Lordship, that is all the evidence we propose to call. Now I should like, if I may, to recall the Marine Superintendent, to prove formally the manifest, and to,

if I may, ask him a question about some explosives or something the vessel had on board.

The Commissioner: Very well.

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CAPTAIN WILLIAM HENRY THOMPSON.

[Continued.]

CAPTAIN WILLIAM PETER THOMPSON, Recalled.

Further Examined by MR. DAN STEPHENS.

The Commissioner : What is this evidence you are going to call ?

Mr. Dan Stephens : I am going to prove the manifest of the ship's cargo.

The Commissioner : What is the object of that—what is your object in proving it ?

Mr. Dan Stephens : My object is to put facts before your Lordship.

The Commissioner : What question is it directed to ?

Mr. Dan Stephens : I do not think it is directed to any questions specifically, but it may be of some importance to your Lordship subsequently. Your Lordship will remember that there was a question put I think by Mr. Ranauld McDonald, who is not here, which caused your Lordship to make the remark, " This vessel was not a troop ship or was not carrying ammunition for the troops," and I just want to show that this vessel was carrying a general cargo, and part of that general cargo was about 13 tons out of 5,000 of cartridges and gunpowder, and I want to prove that in an ordinary general cargo in normal times there would be a similar cargo. It may be of importance, but I do not think it bears upon any question in fact directly.

The Commissioner : Very well.

3393. *Mr. Dan Stephens* : (To the Witness). Is that a manifest of this ship (holding the same to the Witness) ?—Yes, it is a copy of the manifest.

3394. And in that manifest there appears on the leaves turned down by you, I think at my request, the details of this 13 tons that you told us were put on board ?—Yes.

3395. Now I want to ask you this : This vessel's cargo is described as general cargo ?—Yes.

3396. In normal times, in peaceful times, would one of your vessels with a general cargo carry that class of goods ?—Yes.

The Commissioner : Just show me the manifest, please. (The same was handed to the Commissioner.)

Mr. Dan Stephens : Your Lordship sees that it is a very small consignment. It is 13 tons of the total cargo.

The Commissioner : Did you say it was turned down ?

Mr. Dan Stephens : There are three places turned down, my Lord. I hope the witness has not turned them back again.

The Commissioner : Is this turned down at more than one page ?

Mr. Dan Stephens : Yes.

The Commissioner : In how many places ?

Mr. Dan Stephens : Three, my Lord.

3397. *The Commissioner* : Two. (To the Witness.) This you say is an ordinary cargo ?—Yes.

3398. *Mr. Bateson* : While Captain Thompson is in the box we have got out for your Lordship a list of the boats, with the dates on which they were supplied in each case, and Captain Thompson can just elucidate that a little bit more. (To the Witness.) Would you hand that in ? (The same was handed in.) Yes, that is correct, is it ?—That is correct.

The Commissioner : Just let me look at it. I see the four lifeboats were built in 1906.

Mr. Bateson : May I ask a question there, my Lord ?

The Commissioner : Certainly.

3399. *Mr. Bateson*. (To the Witness) That was when the ship was built ?—Yes.

3400. They were supplied by the builders to the ship ?—Yes.

The Commissioner : And where were they built ?

Mr. Bateson : I have got the builder here who can tell you who built this boat. Messrs. Stevens and Sons, Shipbuilders at Glasgow, built her in 1906 and built the lifeboats themselves. They did not purchase them, they built the boats themselves.

The Commissioner : That is the four lifeboats. Then come the two life surf boats, which are No. 5 and No. 6.

Mr. Bateson : And No. 8. There are three life surf boats. Two of those were supplied in October, 1913, and one supplied in October, 1911.

3401. *The Commissioner* : Yes. (To the Witness.) When this ship was built and delivered had it no life surf boats ?—Yes, my Lord, one.

3402. Only one ?—Only one when she was built.

3403. And what became of that ?—That was condemned and when this new regulation came in we put all three lifeboats into life surf boats in 1913.

3404. That was after the " Titanic " ?—Yes.

3405. Did you ever see these lifeboats ?—Yes.

The Commissioner : Now, No. 4, I think, got away quite safely ?

Mr. Bateson : Quite, and No. 3.

The Commissioner : With about 40 people on board.

Mr. Bateson : No. 4 and No. 3 got away quite safely—practically full.

The Commissioner : They were both built at the same time as No. 1 and No. 2.

Mr. Bateson : That is right, my Lord.

The Commissioner : No. 1 and No. 2 came to grief ?

Mr. Bateson : Yes.

The Commissioner : I suppose these boats were both the same—the four lifeboats ?

Witness : Exactly the same.

The Commissioner : It was No. 8 that you suggest was blown to pieces.

Mr. Bateson : I do not know whether it was exactly blown to pieces—it was blown up and fell down.

The Commissioner : And was smashed ?

Mr. Bateson : Yes.

The Commissioner : That is what I meant when I said it was blown to pieces.

3406. *Mr. Bateson* : Whether it was blown to pieces or blown down I do not know. Just one other question about these boats. Was the " Falaba " a sister ship of the " Almira " ?—Yes.

3407. And has she got four lifeboats built by the builder the same as these ?—Exactly the same.

3408. And I think a third lifeboat was specially examined this week by Mr. Camps ?—Yes.

The Commissioner : This boat you are speaking about was a sister ship.

Mr. Bateson : A sister ship built the same year with her lifeboats supplied by the same builders and her boats built by the same builders and supplied by the same builders.

The Commissioner : One of you told me that one of the lifeboats of the " Falaba " had been washed up somewhere.

Mr. Bateson : Yes, my Lord, there were several of them washed up. I will tell your Lordship which they are. They are Nos. 3, 4, 6, 7 and 8.

The Commissioner : No. 8 ?

Mr. Bateson : Yes, portions of No. 8.

The Commissioner : I thought that was smashed.

Mr. Bateson : What is left of it. When I said washed up perhaps that is not an accurate expression. They have been recovered in some form.

The Commissioner : Parts have been washed up or recovered.

Mr. Bateson : Partly washed up or partly recovered. We can account for those four or five in some way or another—either washed up or picked up at sea.

The Commissioner : Very well.

3409. *Mr. Bateson* : There is one other matter about these boats. (To the Witness) : The " Falaba " makes, I think, about five voyages a year ?—That is correct.

3410. And the voyage lasts approximately about 60 days ?—Yes.

3411. And about how much of that period would she be on the coast ?—Between three and four weeks in the Tropics I should think.

3412. That is in the hot weather ?—Yes.

3413. Three or four weeks each voyage—that is 20 weeks at the outside in the year on the coast ?—Yes.

3414. Then part of that time is rainy season, is it not ?—Yes.

3415. *The Commissioner* : I do not follow that. How many round voyages do you say the ship makes in a year ?—Five.

3416. How long does a round voyage take ?—Sixty days.

The Commissioner : That would be 300 days out of the 12 months.

Mr. Bateson : Yes.

The Commissioner : That leaves 60 odd days when she is not at sea. Part of that time, I suppose, she is in Liverpool.

Mr. Bateson : Yes, in Liverpool, either repairing, loading, or discharging.

27 May, 1915.]

WILLIAM GUY.

[Continued.]

The Commissioner : During the main part of the time she is on the west coast.

Mr. Bateson : On the way to, and on the west coast.

The Commissioner : No, no. It takes 60 days to make the trip?

Mr. Bateson : Yes.

The Commissioner : How much of that 60 days is she on the west coast?

Witness : Between three and four weeks.

3417. Then most of her time she is on the west coast?—Yes, half the time.

3418. She goes from port to port I suppose?—Yes, on the coast.

3419. Then she is really lying about on the west coast for a considerable time?—Yes, she is. She is there three or four weeks each voyage.

3420. *Mr. Bateson* : Some 20 weeks she would be on the coast, and part of that 20 weeks is rainy season, I suppose?—Yes.

3421. How long do these boats last?—Well, I should think they should last anything up to 12 years—12 or 14 years.

3422. *The Commissioner* : What is the name of the sister ship?—The "Elmina."

3423. And the "Elmina" still is using the boats that were built in 1906?—Yes.

3424. *Mr. Bateson* : And I understand they have been examined by Mr. Camps and had the paint burned off in order that they might be examined, to see what the condition of them was—some of them at any rate?—Yes.

3425. I do not think the life surf boats were built by the builders of the ship, Messrs. Stevens. I think they were built by Messrs. Hornby, of Birkenhead?—Two by Hornby and one by Morley.

The Commissioner : Two life surf boats the gig and No. 8. Nos. 6 and 8 are the life surf boats.

Mr. Bateson : Yes.

3426. (*To the Witness*) : Do you say two or three were supplied by Hornby?—Two were supplied by Hornby and one by Messrs. Morley.

3427. Are they the recognised boat builders of Liverpool?—Yes.

3428. I mean if you buy lifeboats or surf boats you buy them either from one or the other firm?—Yes.

Mr. Dan Stephens : Then, my Lord, there are only two matters to clear up which the chief engineer can clear up. Your Lordship remembers you asked the second engineer, I think it was, and he could not tell your Lordship what time would be required to increase the speed and the boilers.

The Commissioner : Exactly, I want to know what additional speed could they get up in 20 minutes.

WILLIAM GUY, recalled.

Further examined by MR. DAN STEPHENS.

3429. First of all, were all your boilers in use?—All in use, yes.

3430. And at noon on this day would your fires be in full working order?—No, they were not.

3431. Why not?—They were kept clean : two fires always at the change of the watch.

3432. Does that mean that two fires would be drawn?—Two fires would be drawn, yes.

3433. And two fires only going?—12 fires going.

3434. *The Commissioner* : Then the fires were only one to a boiler?—No, the four boilers were going.

3435. *Mr. Dan Stephens* : How many fires to each boiler?—Three fires to each boiler.

3436. *The Commissioner* : Under which boilers were the

fires drawn?—One under each boiler—under each of the two boilers—were drawn.

3437. *Mr. Dan Stephens* : Each of which two?—That I am not certain about.

3438. Now, we are told you got an order to increase the speed of the vessel if you could?—Yes.

3439. Could you increase speed by any forced draught, or any means, in 20 minutes? Supposing she is going 13 knots, could you increase the speed in 20 minutes?—Yes, we could increase it in 20 minutes.

3440. How much?—About another knot.

3441. And you tried to do that?—Yes.

The Commissioner : Then it would have been of no value?

Mr. Dan Stephens : No value.

(The Witness withdrew.)

Mr. Dan Stephens : That is all the evidence the Board of Trade have to put before your Lordship.

Mr. Butler Aspinall : Your Lordship may remember that you asked Mr. Miller, the Board of Trade surveyor, to remain in attendance.

The Commissioner : Yes, I did, because I thought the evidence given by the passengers about the different boats was significant and I thought he ought to have an opportunity of repeating in the witness-box the result of his survey before this ship left Liverpool.

Mr. Butler Aspinall : If your Lordship pleases.

MR. THOMAS MILLER, recalled.

Further examined by MR. BUTLER ASPINALL.

3442. Have you been sitting in Court since you gave your evidence?—Yes.

3443. And have you heard the evidence of the passengers?—Yes.

3444. And have you heard the description of the boats?—Yes.

3445. The epithet mainly used, I think, was that the boats were rotten?—Some of the witnesses did make that statement with regard to at least one boat.

3446. I think it was more.

The Commissioner : Certainly with reference to No. 2?—Yes, that was the one I had in mind. There was a great deal of evidence given generally which showed—

3447. Now when you are surveying, what means do you take for ascertaining the condition of the timbers in the boats?—I use a hammer and sound the planks, and I also try them with the blade of a strong knife all round where I expect to find any soft place.

3448. Did you do that on this occasion?—Yes, and then at the finish up of the survey for life-saving appliances all the boats are swung out and lowered into the water right down, to see if they are watertight and that the launching gear works satisfactorily.

3449. Then are they dropped into the water?—They are not dropped ; they are lowered.

3450. I mean lowered into the water?—Yes, lowered into the water.

3451. And how long do they remain in the water?—A matter of about 5 minutes.

3452. Is that sufficient to ascertain whether they leak?—Yes, because directly the boats get into the water you can see at once whether there is any leakage coming into them.

3453. Does anyone accompany you when you go round to make your inspection?—Yes.

3454. Who?—Either the Marine Superintendent or his assistant.

3455. Of the Company?—Of the Company.

3456. Now who was with you on this occasion?—It was the Assistant Marine Superintendent.

3457. What is his name?—Captain Cotterell.

The Commissioner : Where is that man?

Mr. Butler Aspinall : I had hoped he would have been here to-day but he is not. He will be here to-morrow morning.

The Commissioner : I think you had better call him.

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MR. HAROLD EDWARD JOSLYN CAMPS.

[Continued.]

Mr. Butler Aspinall: Yes, we have gone a little faster than we anticipated. We intend to call him. I am told the Elder Dempster Line are very busy at Liverpool.

The Witness: I may say, my Lord, that in addition to Captain Cotterell there are also several foremen, some of them boat builders and carpenters, who also go round in order to attend to anything that wants repairing.

3458. *Mr. Butler Aspinall*: I see a gentleman of the name of Dunham. Do you remember the name?—Yes, he is not a shipwright. He belongs to the rigger staff and has to do with the supplying of the equipment of the boats but not with repairing the boats and falls.

3459. Is he a man, so far as you have seen, who knows his business?—Yes.

The Commissioner: Do you propose to call him?

Mr. Butler Aspinall: Yes.

The Witness: It is simple work he has to perform, just merely providing equipment for boats in accordance with the list as given in the Board of Trade regulations, and he is quite competent to perform that work.

3460. *Mr. Butler Aspinall*: Now if you condemn these boats it means that Messrs. Elder Dempster have to provide new boats?—Yes.

3461. And therefore it is in the interests of their pockets that they should see that these boats are kept as far as they can be in good order and condition?—Yes.

3462. I suppose it is a matter of common knowledge to shipowners plying in this trade that boats are exposed to climatic difficulties out in the West Coast, is it not?—Yes.

3463. And they have to make provision for that?—Yes.

3464. And you are careful in the inspection of the boats which are engaged in this trade?—I am.

3464A. Now having heard, as you tell us you have heard the evidence of the passengers, does it in any way alter the evidence you have given?—No, not in the least.

3465. *The Commissioner*: Can you tell me this: Are these boats used as ordinary surf boats on the coast?—No.

3466. Then are they never used unless there is a misfortune such as this?—That is the sole use to which these boats are put.

3467. Has any one of these boats since it was built been practically used for carrying people?—For carrying people to and fro.

3468. Yes, on the sea?—I could not say.

3469. If they are not used on the coast for going between the ship and the land I do not see when they would be used.—No, but I cannot say whether they have ever been used as a means of communication between the ship and the shore since they have been fitted as life surf boats.

3470. Why are they called surf boats?—On account of their shape.

3471. Not on account of their use?—No. Boats of that shape we used as surf boats to carry cargo between the ship and the shore on the various coasts where the vessel lies off in the water, of that shape, but they are not fitted with air cases and they are not equipped as lifeboats. They are of a very strong build. The planking is arranged on the cargo system and strongly timbered, much more strongly than the ordinary lifeboat, and they are smaller than the ordinary lifeboat, only being certified to accommodate 28 people.

3472. *Mr. Dan Stephens*: I would like to ask you one question: When was it that you and Captain Cotterell applied his test to the boats?—It was on the date I gave on the first day of my evidence. I forget when it was now.

3473. You mean in December?—I think it was the 21st December.

3474. Have you seen the boats to test them since that?—No, I did not see the boats the last time the vessel was in Liverpool.

3475. Now, of course, the "Falaba" would make a voyage subsequent to the time that you saw her in December?—Yes.

3476. Could the climatic conditions have changed the constitution of the timber as you found it in December, during those months from December to March?—Very little. It certainly would not cause them to be unseaworthy in that short length of time.

3477. It would change them a little, you think, but not cause them to be unseaworthy?—Just the same as anything gradually grows old, but in a matter probably of 12 to 15 or 16 years the boat's life would be finished and it would change it to that extent, in the same proportion that 3 months is to 15 or 16 years.

3478. There is another matter with regard to the climatic conditions when you talk about them affecting the boats, is that by reason of any drying up of the wood—shrinking the wood?—Yes.

3479. Supposing the boat has water put into it; for instance, as it is lying on its chocks, will that prevent the climatic conditions acting?—Yes.

3480. So that there are two ways—put the boat in the water or put water in the boat?—Yes.

3481. Equally good?—Yes, equally good, and if that is done there is no reason why these boats should not have a very long life, even in the West African climate.

3482. I do not know whether it was done, but that is the way of keeping the boat in condition—putting water into it?—Yes.

3483. And taking out the plug and letting the water run away after it had done its work?—Yes.

3484. That is the common practice?—Yes, it is a common practice to put the hose over them when they are washing decks, and they do that every morning.

Examined by MR. JOSEPH COTTER.

3485. Is it not a fact that at boat drills the boats are surveyed by the Board of Trade surveyor on the day of sailing out of the port of Liverpool?—No.

3486. There are lines sailing out of the Port of Liverpool when there is boat drill and where there is a Board of Trade surveyor superintending that boat drill?—No.

(The Witness withdrew.)

The Commissioner: Now, Mr. Aspinall, what are you going to do?—Are you going to call evidence?

Mr. Butler Aspinall: Yes, my Lord, I was proposing to call Captain Cotterell, Mr. Dunham, the builder and also Mr. Camps, those four witnesses.

The Commissioner: Have you them here?

3487. There are lines?—You cannot say lines.

3488. For instance, the Cunard line?—Some of their boats would be dealt with in that way.

3489. Passenger ships?—No not all passenger ships only those that come under the Emigration Act.

Mr. Butler Aspinall: I have got the builders and Mr. Camps here.

The Commissioner: Then perhaps you had better call them.

Mr. Butler Aspinall: Yes, I will take Mr. Camps first, if I may.

MR. HAROLD EDWARD JOSLYN CAMPS, SWORN.

Examined by MR. BUTLER ASPINALL.

3490. Are you a member of the Institute of Naval Architects?—I am.

3490A. And also of the Institute of Mechanical Engineers?—I am.

Mr. Dan Stephens: In order to be in order, and to conform to the statutory rules, at the conclusion of the

examination of the witnesses produced by the Board of Trade, the Board of Trade have to state in open Court the Questions to be answered.

The Commissioner: Do you mean to say that it is necessary for you to read the Questions?

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MR. HAROLD EDWARD JOSLYN CAMPS.

[Continued.]

Mr. Dan Stephens: No, I do not, because they have already been read; but I must formally put them before your Lordship at the conclusion of the evidence. I was going to ask your Lordship to strike out in the first question: "(a) and nationalities."

The Commissioner: Yes, I remember that.

Mr. Dan Stephens: Your Lordship will see "(a) and nationalities"—we have them as regards "(b) passengers" clearly before your Lordship, but there is a difficulty in the way of "(a)."

The Commissioner: Yes, of course there is, but you leave it in "(b)."

Mr. Dan Stephens: Yes, I leave it in "(b)." The questions have been read, I think, by the ex-Solicitor-General.

The Commissioner: Yes, I think the Solicitor-General, now the Lord Chancellor, read them.

Mr. Dan Stephens: Yes.

3491. *Mr. Butler Aspinall*. (*To the Witness*): You said you were a member of the Institute of Naval Architects and of the Institute of Mechanical Engineers, and from time to time you also act as expert adviser to the Treasury Solicitor in matter connected with collisions?—That is so.

3492. Now, in accordance with instructions received from the Elder Dempster Line, did you proceed to New Quay on the 6th of this month of May?—I did.

3493. And did you on that and following days inspect boats Nos. 3, 4, 6, 7 and 8 of the late steamship "Falaba"?—I did.

3494. When you were sent down, were you sent down before you knew that any attack was to be made upon the boats?—I was.

3495. You were told nothing about the reason of your inspection?—No, I had no intimation given to me at all.

3496. You were to report at large upon their condition?—That is so.

3497. Now, speaking generally, with regard to those five boats, did you examine the timbers of the boats?—I did.

3498. In what condition were the timbers?—In good condition.

3499. What test or what means did you take to ascertain what the condition of the boats was?—The only means that I could take was by means of my knife. Timber which is in a defective condition from dry rot is very soft, and is easily penetrated by a knife. Timber which is well seasoned and in good condition is hard enough to resist even the point of the blade.

3500. And was the test that you were able to apply an efficient test?—It was.

The Commissioner: When did this test take place?

Mr. Butler Aspinall: On the 6th May and following days.

The Commissioner: Of what year?

Mr. Butler Aspinall: Of this year, my Lord. After the accident he was instructed to go down by Messrs. Elder, Dempster & Co. to New Quay to examine the boats that had been washed up and saved.

The Commissioner: Where had they been washed up?

3501. *Mr. Butler Aspinall*: Where were they washed up?—At different places.

3502. Which were the places?—No. 7 boat, the ship's gig, had been washed up at a place called Holywell-beach, about three miles from New Quay by coast. It was in a sandy cove and on a sandy bottom. No. 8 boat had been picked up at sea by the trawler "Drake" and taken into Padstow. When she was delivered in Padstow she was sold by the skipper of the "Drake" to a gentleman in Padstow and was being prepared for repairs at the time of my inspection. No. 6 boat was lying on very rough rocks and boulders at Rosycliff beach near Boscastle. No. 3 lifeboat was on Sprangle beach, which was the next cove adjacent to Rosycliff beach, and that also was lying on rough boulders and rocks. No. 4 lifeboat was on Conclave beach, about three miles further north. That also was lying on the rocks, high and dry. Those are all the boats that I have seen.

3503. Now you have told me, speaking generally, that the timbers of all these five boats were good.—Yes, the timbers and planks of all the boats were perfectly sound timbers.

3504. Would it be anything like an accurate description to describe them as being rotten?—Absolutely no.

3505. Now dealing in a little more detail with the number of boats and starting with No. 7 which is the first one that you told us of. Speaking generally, what was the condition of the boat as a boat; was it still a boat or were there only parts of the boat that you found?—It was still a boat.

3506. What description would you apply to it as a boat; was it in bad condition or in good condition?—Considering the fact that it had been washed up on the beach it was in excellent condition; some of the planks were broken, but otherwise the boat was quite repairable and in good condition.

3507. What about the fittings and gratings and so on?—The fittings were all gone.

3508. Did that surprise you?—One plug was still in its place, in its hole, but the rest of the fittings had all gone.

3508A. Did that surprise you?—No, not a bit.

3509. *The Commissioner*: How long had these boats been floating about before they were picked up?—I could not tell you. I do not know how long they had been in the position in which I saw them—not very long I believe.

3510. *Mr. Butler Aspinall*: Now to pass to No. 8, that was the life surf boat?—Yes.

3511. Had that boat sustained serious damage?—It had.

3512. What was the character of the serious damage?—On the port side, six to eight feet from the stern, a hole had been smashed in the side of the boat two feet in length fore and aft, and two feet vertically. It was almost a square hole, and, to my mind, had the appearance of having been caused by some sudden shock. It might possibly have been done by collision, but it looked to me more as if it had possibly been occasioned at the time of the explosion by ramming against the ship's side, or something of that sort. Of the two hooks in the boat, one at each end, the stern hook was opened out but was not broken. The bow hook was both opened out and broken and the appearance of those two hooks led me to the conclusion that probably at the time of the explosion it had been lifted bodily in the falls and suddenly dropped down again and the force of the shock had caused one of the hooks to break and the other to open out.

3513. Did you form that opinion at the time of the survey or have you since formed that opinion, having heard the evidence?—At the time of my survey.

3514. Does the evidence which you have heard support that view?—Yes, it does.

3515. Now to pass on to No. 6 boat; when you found that boat where was she lying?—She was lying on the rocks—very rough rocks.

3516. Had she sustained considerable damage?—She had. The half of one side of the boat from the keel to the gunwale was completely gone, and the whole of the bottom was badly smashed up, the keel broken.

3517. But apart from the damage which she had sustained, was the material of which the boat was made good or bad?—The timber was perfectly sound.

3518. Now with regard to the next one you mentioned, No. 3, what happened to that boat?—No. 3 was also on the rocks, and the whole of the bottom from bilge to bilge and the keel and the keelson were broken, and part of the bottom planks were missing.

3519. Did you form any opinion as to what that damage may have been due to?—Undoubtedly it was due to the rocks in the position in which the boat was then lying.

3520. Would that observation also apply to No. 6—you said that No. 6 was lying on the rocks?—Yes, No. 6, and also to No. 4.

3521. So it may well be that the damage you found to Nos. 3, 4 and 6 was due to contact with the rocks upon which they had been washed up?—Yes, I think so without doubt.

3522. That completed the survey of the boats?—Yes, that is so, there is only one thing I might add with regard to No. 3, it was the only boat that I examined in which the bread tank was still in position; the door was off and lying in the bottom of the boat and you could see that the tank was still full of bread and biscuits.

3523. I think I did Captain Harrison an injustice when I was cross-examining him. He spoke of the bread being missing from No. 6. Mr. Camps erroneously instructed me and said he had seen bread in it and that it was No. 3.

Captain Harrison: Yes, I am perfectly certain about it.

3524. *Mr. Butler Aspinall*: The culprit was Mr. Camps or possibly myself when I suggested Captain Harrison was wrong. (*To the Witness*): Now, you have heard the

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MR. HAROLD EDWARD JOSLYN CAMPS.

[Continued.]

evidence here with regard to Nos. 1 and 2 boats. They were the two boats that got to the water and then both fouled?—Yes.

3525. There were people in No. 1 and we were told that the boat hurriedly reached the water?—Yes.

3526. We will discuss the cause of that later. Then the evidence was that the boat opened out?—Yes.

3527. Now, speaking as an expert in these matters, are you surprised at that boat opening out?—Not a bit.

3528. What do you think caused it?—In the case of No. 1 I should say without hesitation that that was caused by being dropped suddenly into the water. The flat bottom of these boats is not constructed to withstand the force of a shock of that nature, they are made more for gradual launching than a sudden drop. A sudden drop would no doubt cause considerable damage.

3529. Of course at the time there were a great number of people in her?—Yes, and that would make it all the worse.

3530. Now with regard to No. 2 you have also heard the evidence with respect to No. 2?—With regard to No. 2 the evidence as I understood it was to the effect that the after fall was suddenly let go so that the after end of the boat dropped and the boat was lying vertically from the forward fall. It would be impossible, in my opinion, for a boat to be so dropped without coming into contact with the side of the ship, without knocking or banging against the side of the ship, and that would have been sufficient to cause such damage that when the boat was eventually launched and any unusual circumstances occurred, that damage would develop and open out.

The Commissioner: Were these boats clear, Mr. Aspinall—were they outriggered?

Mr. Butler Aspinall: I was just going to ask the witness that very question.

The Commissioner: If you please.

3531. *Mr. Butler Aspinall (to the Witness):* Were you here when the witness came with a model of the ship?—Yes.

3532. And he told us that he and some other passengers endeavoured to push the boat out, but apparently they did not appreciate that the proper way to get it clear of the ship when it was being lowered was by turning the handle?—Yes.

3533. Did you hear that evidence?—Yes.

3534. Did you attach importance to that evidence with a view to accounting for the damage to the boat?—I did to this extent, that if it were necessary to push the boat out from the ship's side in these davits in order to get it clear of the ship's side it would be impossible to keep it clear because the davits, unless they are screwed up, will not shift, and if the boat is hanging vertically from the ship's falls, and is not clear from the ship's side, it will still come back to its original vertical position and knock against the ship's side and so sustain damage.

3535. I take it that is not an expression of opinion. It is a fact?—Yes, that is an absolute fact. It must be so. If the ship had a list to starboard it would be all the more accentuated because this boat was on the port side.

3536. *The Commissioner:* But No. 2 got into this awkward position before the torpedoing?—Yes.

3537. And therefore there was no list as far as is known?—No.

3538. *Mr. Butler Aspinall:* But quite apart from the list, you hold the view that the boat when lowered must have come in contact with the side of the ship.—That is so. If it was not clear of the side of the ship when it was hanging actually on the davits of the ship, it certainly would not be clear of the side after it was lowered down.

3539. Now, some evidence has been given with regard to the sister ship, the "Elmira."—Yes.

3540. Did you go yesterday and see her boats?—I did.

3541. And what opinion did you form as to her boats?—They were in excellent condition, every one of her boats.

3542. Then with regard to quite another matter, I think you, as expert adviser to the Treasury Solicitor in Admiralty matters, have from time to time had certain experience of submarines, have you not?—I have.

3543. Now, can you assist the Court in this: Do you think that there were means by which those on board the submarine might have rescued many people from the water and from the boats?—They could have done so if it had been so desired.

3544. How could they have done it?—Either by throwing heaving lines to the men in the water, and giving them an

opportunity of catching hold of them; or if the men in the water had happened to be close up at the side of the craft, it would be quite easy, as one of the witnesses has suggested, to lean over and pick them out of the water; or if they had a boat-hook it might have been easily reached.

3545. *The Commissioner:* What would they have done with them when they had got them on board?—They could only keep them so long as the submarine was above water. I do not suppose any foreign submarine would go to the extent of taking them below deck.

3546. That is what occurred to me. If they are above water they are in danger?—A foreign submarine would be in danger, or an enemy submarine.

3547. Their anxiety would be, I suppose, to go under water and get away?—I should imagine so.

3548. And if they took passengers on board they could scarcely do that?—They would probably leave them in the water if an emergency arose.

3549. *Mr. Butler Aspinall:* I suppose (it is more comment possibly than evidence) that they could have been transferred from the submarine to the trawlers?—That is so.

3550. *The Commissioner:* Would there be any danger if the submarine had remained in the vicinity, of the submarine being rammed by the trawlers?—Do you mean accidentally or intentionally?

3551. Intentionally.—The submarine certainly would have been exposed to that risk.

3552. That is an unpleasant risk from their point of view?—I should say so.

The Commissioner: Now do you want to ask anything, Mr. Stephens?

3553. *Mr. Dan Stephens:* I would like to put one or two questions. I have not quite followed the evidence. (*To the Witness:*) Had these boats that you saw numbers on them?—They had.

3554. *The Commissioner:* And I suppose the name "Falaba"?—Yes.

3555. *Mr. Dan Stephens:* I assumed they had the name. I did not know whether they had the numbers. They had the numbers and the name?—Yes, they had the numbers and the name.

3556. And, as you say, you do not know how long they had been in the water?—No.

3557. Is it possible that a boat when first put in the water might leak and then afterwards, after being in the water for some time, become water-tight?—It is quite possible.

3558. That is what you would expect to happen supposing the wood of a boat, for instance, had shrunk through not being placed in the water, or having water in her—that is what you would expect to happen?—Yes, that is so.

3559. And then after immersion in the water for some time the wood would expand?—That would be what would take place.

3560. And your tests showed with regard to the boats you did see that the wood was in good condition?—Yes, in good condition.

3561. All the boats appear to have come ashore in about the same locality, not very far apart?—I think the distance from Holywell beach, New Quay, to Concave beach, would be about 50 to 60 miles.

3562. And Nos. 1, 2, and 5 you have never heard of?—No.

3563. That would appear to indicate that they have gone altogether in some way?—Yes, as a matter of fact, No. 3, I think it was, when I received my instructions. No. 6 was not reported to me at all. I only discovered that No. 6 was lying on the beach when I got to the neighbourhood.

3564. But the condition of one or two of the boats that you saw was such that they must have been full of water?—In the condition in which I saw them, certainly No. 7 must have been full of water.

3565. Take, for instance, No. 8 boat which had that hole two feet square—that must have been full of water must it not?—Not necessarily. If it was floating light it would be quite possible that the bottom of that hole would have been clear of water.

3566. What would be the drop. Supposing the boat was level with the boat deck first of all, have you calculated what the drop would be in the condition in which the "Falaba" was laden?—No. I should think it would be between 18 and 20 feet.

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MR. SHIRLEY BROOKS RALSTON.

[Continued.]

3567. And your view is that that drop might seriously damage the boat?—It would, without any doubt, in the case of any boat.

Mr. Dan Stephens: On page 46, my Lord, at Questions 182 to 184 I suppose this gentleman is Mr. Camps, but apparently Mr. Aspinall made a mistake.

Mr. Butler Aspinall: Yes.

The Commissioner: Where is this?

Mr. Dan Stevens: At Question 182 Captain Harrison was being examined on his allegation that there were no provisions. The question is "There is a gentleman here, a Naval Architect, who went down, looked at the boat

and amongst others found this boat and found provisions in it in the right place for provisions? (A.) In which boat was that (Q.) The boat that we are speaking of, No. 6. He found provisions there. However, his evidence will come later?—(A.) I cannot say I recognised any number on one boat. I got into the boat which is marked No. 6 upon that map."

3568. (*To the Witness*): I understand that you have never stated anything about No. 6—it was some error?—Yes; it was quite a misapprehension at the time.

Mr. Dan Stephens: As long as it is clear that Captain Harrison was justified in his statement.

Further examined by MR. BUTLER ASPINALL.

3569. I ought to have asked you this in chief. The Board of Trade Surveyor told us that he put these boats into the water for five minutes.

3570. That enabled him to ascertain whether they leaked or not?—Yes.

3571. Does that commend itself to your view as being right and sound?—Quite, it does.

3572. I mean to say in the first five minutes you would be able to ascertain it?—The first two minutes would be sufficient.

3573. The drier the boat, the more likely is she to admit water and to leak?—The drier the boat the more likely is she to leak.

(*The Witness withdrew.*)

MR. SHIRLEY BROOKS RALSTON, SWORN.

Examined by MR. MAXWELL.

3574. Are you a Naval Architect in the employ of Stephens and Sons, Shipbuilders, of Glasgow?—Yes.

3575. And in the year 1906 did your firm build the steamship "Falaba"?—Yes.

3576. And the "Elmira"?—Yes.

3577. And did you build as well as the "Falaba" the four lifeboats on board of her?—Yes.

3578. And did you build those boats yourself or did you buy them?—We built them ourselves.

3579. And what do you say about the way they were built and the material?—Both the workmanship and the material we consider are very good. That is the reason we always build our own boats. We prefer them to outside contractors.

3580. And did you also build the boats for the "Elmira"?—Yes.

3581. And what do you say would be the life of these boats working on the coast as we have heard?—I can only give an opinion because I do not know the coast, but speaking from experience of boats I have seen here, I see no reason why they should not last up to 14 or 15 years.

3582. *The Commissioner*: Have you built many boats for the West African trade?—Yes, a great number.

3583. For the Elder Dempster and for other lines?—Yes, both for Elder Dempster and the Compagnie Belge, and for the America line.

3584. *Mr. Maxwell*: From that experience what do you say would be the life of these boats—how many years?—I see no reason why 14 or 15 years should not be quite the period of their lives.

(*The Witness withdrew.*)

The Commissioner: Now what else have you in the morning, Mr. Aspinall?

Mr. Butler Aspinall: We have got Captain Cotterell and Mr. Dunham, and I think these are all.

The Commissioner: And those gentlemen are not here.

Mr. Butler Aspinall: Unfortunately not.

The Commissioner: Then is that all the evidence you propose to call?

Mr. Butler Aspinall: Yes, my Lord.

The Commissioner: Then I suppose we may finish this case to-morrow.

Mr. Butler Aspinall: Certainly.

(*Adjourned to to-morrow at 10.30 o'clock.*)

In the Wreck Commissioner's Court.

CANTON HALL, WESTMINSTER, S.W.,

Friday, 28th May, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,
Acting as Assessors,

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "FALABA."

FOURTH DAY.

MR. BRANSON and MR. DAN STEPHENS (instructed by Sir R. Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. BATESON, K.C., and MR. MAXWELL (instructed by Messrs. Forwood and Williams, of Liverpool) appeared as Counsel for the Owners, Mr. John Craig, Managing Owner, Captain Peter William Thompson, Marine Superintendent, and Mr. W. C. Baxter, Chief Officer.

MR. L. S. HOLMES (Messrs. Miller, Taylor and

Holmes, of Liverpool) appeared for relatives of the Captain.

MR. RANALD McDONALD (instructed by Mr. Lewis W. Taylor) appeared for Lieut. C. C. R. Lacon, a passenger.

MR. COTTER appeared for the National Union of Stewards.

MR. GROEBEL (Messrs. C. Groebel and Co.) appeared on behalf of Dr. Given, the Administrator of G. K. Given, a first class passenger.

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28 May, 1915.]

CAPTAIN GEORGE ARCHIBALD COTTERELL.

[Continued.]

Mr. Branson: My Lord, since the Court adjourned last night, I have been considering the Questions and the evidence. First of all, will your Lordship turn to Question 23. When I asked your Lordship to strike out "and nationalities" in Question No. 1, I did not notice the words also in Question 23. Therefore, would your Lordship strike out the words in Question 23, "and their nationalities." Then I find also in Question 5 the Court is asked: "What number of life-jackets for adults and children"—

The Commissioner: There were no children on board.

Mr. Branson: No, my Lord. The ship is bound to have a certain number of such lifebelts. In order to enable the Court to answer that question, would your Lordship allow Mr. Miller to state how many of the 301 that he certified for were for children and how many for adults. He tells me that 282 were for adults and 19 were for children.

The Commissioner: Do you know, Mr. Aspinall, whether that is so?

Mr. Aspinall: Yes, my Lord, I am told it is so.

The Commissioner: I see here upon—I suppose I must call it—the Declaration of the Board of Trade, it is so stated.

Mr. Branson: I suppose it is on the Surveyor's Declaration, but not on the Certificate,—the distinction between adults and children.

The Commissioner: It is on the Declaration.

Mr. Branson: Yes, it is on the Declaration; but the Certificate would be evidence, and I doubt whether the Declaration would.

The Commissioner: Where are the operative words of this Declaration? It is headed in this way, "This Declaration must be forwarded to the Board of Trade within 14 days of its receipt by the owner or agent."

Then, in large type, it is called "Declaration of Survey of a Passenger Ship"; but where is the declaration itself?

Mr. Branson: It is the blue form, I am told, on page 5.

The Commissioner: The blue form is the application.

Mr. Stephens: It is page 5 of the white form, my Lord—"I hereby declare."

The Commissioner: Yes. Now, is this gentleman, Thomas Miller, the witness?

Mr. Branson: Yes, my Lord.

The Commissioner: This document which I have here is a copy of the declaration; it is not the original. The original would be in the possession of Elder, Dempster & Co., I suppose, or the Board of Trade.

Mr. Branson: The Board of Trade, I am told.

The Commissioner: Then, what is this document which you have handed up to me; is it a copy?

Mr. Branson: It is a copy of the original, my Lord. We have the original.

The Commissioner: Then it is a copy?

Mr. Branson: It is.

The Commissioner: Then upon this I take it there were 282 life-jackets for adults, 19 life-jackets for children, 12 life-buoys and life-buoys with lights. Those are things for throwing overboard at night if anyone falls overboard?

Mr. Branson: Yes, my Lord.

The Commissioner: I do not think, then, you need trouble me any further about that. Now, Mr. Aspinall, you have another witness, I understand?

Mr. Butler Aspinall: Yes, my Lord.

Mr. Branson: I have the original declaration here, my Lord.

The Commissioner: You may hand it to me.

(The same was handed in.)

CAPTAIN GEORGE ARCHIBALD COTTERELL, SWORN.

Examined by MR. BATESON.

3585. Is your name George Archibald Cotterell?—Yes.

3586. I think your position with the Elder Dempster Company is that of assistant marine superintendent?—Yes.

3587. Did you go down on the 15th April and the 20th April to see the boats that had been washed up at that time?—Yes.

3588. I think you saw Nos. 3, 4, 7, and 8?—That is correct.

3589. At the same places that Mr. Camps saw them?—Yes.

3590. I think you have read Mr. Camps's evidence?—Yes.

3591. Do you agree with it?—Yes.

3592. You did not see No. 6 at all?—No.

3593. That, I think, was reported as washed up by the Board of Trade officials later?—After I had been there.

3594. Was it the Board of Trade or the Receiver of Wrecks?—The Receiver of Wrecks.

3595. *The Commissioner:* All these boats that have been found, or the remnants of them, were washed up practically in the same locality?—Yes.

The Commissioner: The north coast of Cornwall, was it not?

Mr. Bateson: Either the north or the north-west—somewhere in the neighbourhood of Bude.

The Commissioner: Bude and Boscastle or thereabouts?

3596. *Mr. Bateson:* Yes, my lord. (To the Witness.) Was the wood in good order and condition?—Yes.

3597. The material of which they were made?—Yes.

3598. Someone has suggested that the boats were rotten. Was there any sign of rot about them?—Absolutely none.

3599. About the plugs; when you went down did you see any plug connected to any of them?—Yes.

3600. Was there one plug in each of the boats that you saw?—Yes.

3601. Still attached to its attachment?—Yes.

3602. And in one of the boats, I think No. 3, were both the plugs still there?—That is right.

3603. With regard to these plugs, are they tapered to a fine point?—Yes.

3604. Is there any difficulty in putting a plug into a hole?—None whatever.

3605. Some witness suggested the plug was too big for the hole. Is that possible?—No.

The Commissioner: I do not know why it is not possible—why not?

Mr. Bateson (To the Witness): What is the size of the hole?

The Commissioner: It was your question. Is it possible? Why not?

Mr. Bateson: If you have a plug the shape of a pencil and a hole meant to be fitted by the top end, it is not impossible to get the plug in somewhere.

The Commissioner: But if you have the point of the pencil so big that it will not go into a hole, I do not see why. However, it is a mere verbal criticism, and I withdraw it.

3606. *Mr. Bateson:* If your Lordship pleases. (To the Witness.) Were the davits on this ship all Melin's davits?—Yes.

3607. Have you read Mr. Miller's evidence?—Yes.

3608. Were you the gentleman who went round with Mr. Miller before the ship sailed?—When she was through her Board of Trade survey—Yes.

3609. Is he right in his description of the boats, and so on?—Yes.

(The Witness withdrew.)

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MR. HOLMES.

[Continued.]

Mr. Bateson: I have Mr. Dunham, the other witness who was to speak to the equipment and the boats. I do not know whether I should call him now. There does not seem to be any cross-examination.

The Commissioner: You must not ask me for guidance; you are quite able to steer your own ship.

Mr. Bateson: I do not see that it is necessary, and I shall not trouble your Lordship with it.

Mr. Butler Aspinall: That is our evidence.

Mr. Holmes: Perhaps I may be allowed to say a few words now, my Lord?

The Commissioner: Certainly.

Mr. Holmes: There have been many complaints made by passengers during the course of this Inquiry, but I submit that the conduct of the master, for whose relatives I appear, leaves no ground for any complaint whatever. There is not very much evidence before your Lordship as to what the master was doing at this critical time, but we may be sure he was very busy in the time at his disposal.

The Commissioner: Can you tell me how long the master had been in the service of the Elder Dempster Line?

Mr. Holmes: Something more than 20 years, my Lord.

The Commissioner: What was his age?

Mr. Holmes: 52; and we have heard that he was a trusted and valued servant of the Company.

The Commissioner: Had he always been in the West Coast trade?

Mr. Holmes: I believe so, my Lord. We have evidence as to his orders. As soon as the submarine was sighted he gave orders to change the course to try and avoid it, and rang for full speed.

The Commissioner: That is to say, to present the stern of the vessel?

Mr. Holmes: Yes. He sent the third officer to the engine-room to see that every possible bit of speed was got out of the ship; and eventually, when the submarine overtook them and he got the order from the submarine "Stop, or I will fire," he exercised a wise discretion and gave the order to stop the ship; and then he gave the chief officer instructions to the steward.

The Commissioner: I suppose if he was having thought for the safety of the people on board, he would come to the conclusion that a ship stopped was far more likely to be of assistance than a ship that was moving.

Mr. Holmes: Undoubtedly. He then ordered the Chief Officer to instruct the stewards to call the passengers to put their lifebelts on and assemble on the boat deck. He also set the fourth officer to keep a special look-out, and told the chief steward to get all his boys on deck and any passengers who were below.

The Commissioner: What is the evidence about that?

Mr. Holmes: Question 307, my Lord, in the evidence of the fourth officer "Did you get instructions from the captain?—Yes. What did he tell you to do?—I saw him standing at the top of the ladder on to the bridge deck, looking at the submarine, and he told me to go forward on to the bridge itself and keep a look-out a-head for anything coming down." Then Question 309 "Shortly after that did you get further instructions?—Yes. What were they?—He came along and told me to go down and tell the chief steward to get all his boys on deck, meaning, of course, the steward's staff, and any passengers who were below." Then he speaks of hearing an order from the submarine.

The Commissioner: Then Question 316 is the complement of that "Did you go and give the chief steward the order?" and the answer is "Yes."

Mr. Holmes: Yes, my Lord. Now there are numerous complaints from the passengers as to getting no orders whatever.

The Commissioner: No, I do not think that is the right way to put it. There are numerous statements by the passengers that they did not hear any orders.

Mr. Holmes: I was going to put that, and say, of course, each one can only speak for himself and say he did not hear. There is abundance of evidence on the other side from people who did hear the order "All hands on deck." There was Mr. Woolley, at Question 1043, who heard the order "All hands on

deck," and he at once got his life-belt and went to the deck. Lieutenant Parker heard the order "All hands on deck," and he got his life-belt and went on deck. Lieutenant Grant saw an officer on the boat deck telling people to get in, and he heard the order "Lower away boats" from the bridge, and so on; and even those who said they heard no orders all seem to have done the same thing: they almost all got life-belts and almost all got to the boats.

The Commissioner: The most natural thing to do.

Mr. Holmes: Undoubtedly. There was a further complaint, that there was no indication given of serious danger: that was by Mr. Watt. Your Lordship will remember that we had absolutely the same thing on the "Titanic" disaster.

The Commissioner: Did you appear before me on the "Titanic" disaster?

Mr. Holmes: I did, my Lord. And it is the last thing in the world that the captain and officers of a ship would do, to inform the passengers that the ship is going down in a few minutes. That would have been simply to court an immediate panic, and the result would have been a very much larger loss of life than there was in this case. Unfortunately, the captain himself has lost his life; but it is, at all events, pleasant to recollect that the last two recorded incidents we have heard of in the evidence here were those two unselfish ones; first of all, of taking the lady passenger that had been left behind from the boat deck to the poop and seeing her into the gig; and, finally, of his standing on the bridge working the siren to attract the attention of trawlers, in order that they might save the lives of such passengers as they could. You heard Mr. Bathgate say that it was not until the last boat was away from the ship, until after the ship had been torpedoed, and until there was a heavy list on her, that the captain himself either jumped or fell into the sea.

The Commissioner: Will you refer me to the numbers of those questions?

Mr. Holmes: Questions 903 to 908, my Lord.

The Commissioner: Read them, please.

Mr. Holmes: "Did you see the captain jump into the water?—(A.) I did not see him jump into the water. (Q.) You saw him in the water?—(A.) Yes, I think so. (Q.) That was after the torpedo had struck you?—(A.) Yes. (Q.) And that was after all the boats had gone or had been destroyed?—(A.) Yes, they had gone then. (Q.) Did the ship take a list after the torpedo struck her?—(A.) Yes, she took a list to starboard and sank by the stern gradually. (Q.) A heavy list?—(A.) It was an immediate list." My Lord, I ask you, in framing the answers to the Questions which have been put to you by the Board of Trade, to safeguard against any reflection of any sort being cast on the memory of the captain.

The Commissioner: Do you desire, Mr. Taylor, to say anything about the passenger who wanted to be represented?

Mr. Taylor: There are one or two points, my Lord, which I think the passengers would like mentioned. First of all, I would suggest that although at this time it was known that there was this blockade of Great Britain and a time of great danger for ships leaving Liverpool for, at any rate, the coast of Africa, there is no evidence whatever of any special precaution having been taken for the safety of passengers.

The Commissioner: To make that observation of much value you must tell us what you think ought to have been done.

Mr. Taylor: I would suggest, as we know, the crew had signed on certainly a day or more before the ship left Liverpool, and the crew were on board, I think, at 6 o'clock in the morning, that it would have been quite possible to have prepared a list of boat stations for the crew before the ship sailed. I think the evidence is that there were 92 of the crew in the ship; 43 of them were old members; so that stations had only to be allocated for something like 50 to make a complete list of boat stations. I would also suggest that, as the passengers must have taken passages and their names were known to the ship's officers before the ship started, a list of passengers might very easily have been got out at soon as, or almost as soon as, the ship left Liverpool. It also appears to me that there is evidence that the boats were defec-

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MR. BUTLER ASPINALL.

[Continued.]

tive, that the tackle was defective, and that the organisation at the time when the disaster took place was also defective. I would suggest also that, having regard to the time when the submarine was first sighted, the time when the ship got the first order to stop and the time of the explosion, something might have been done for the safety of the passengers.

The Commissioner: You must tell us what.

Mr. Taylor: I would suggest this: The time when the submarine was first sighted was 11.40; the time of the explosion is given at 12.22, that is a period of 42 minutes.

The Commissioner: Where is it given as 12.22?

Mr. Taylor: On page 63, volume 3, my lord.

The Commissioner: Who was it gave the evidence?

Mr. Taylor: I think one of the officers.

The Commissioner: By what clock is he making his time?

Mr. Taylor: I think the same time throughout—the ship's time.

The Commissioner: Where did he get his time from, because I do not remember it.

Mr. Taylor: It is the evidence of Mr. Pengilly, the third officer.

The Commissioner: Yes; then read it to me.

Mr. Taylor: "The Commissioner: What time elapsed between the order to stop and the explosion?—I should say about 10 minutes, possibly less." Now, if you look at Question 2462, Mr. Pengilly was asked: "Can you tell me the time when you got the order to stop?—Yes, 12 minutes past 12." So that if you add to that 12 minutes the 10 minutes which elapsed, you get the time 12.22.

The Commissioner: State that again, please.

Mr. Taylor: Mr. Pease states that when the order was given by the captain to stop the vessel it was 12 minutes past 12. Mr. Pengilly says that 10 minutes elapsed from the time when the order was given to stop the engine till the explosion, making it 12.22.

The Commissioner: What point do you make on that?

Mr. Taylor: I say that between the time the submarine was sighted and the order was given to stop the engines, 32 minutes elapsed and another 10 minutes elapsed before the explosion of the torpedo.

The Commissioner: A good deal of that depends on the clocks.

Mr. Taylor: As far as I can make out it is all ship's time.

The Commissioner: But can you make out anything at all?

Mr. Taylor: I have done the best I can.

The Commissioner: But have you done any good?

Mr. Taylor: I can only put to your Lordship what I find to be the statements; and the submission I make upon that is this—

The Commissioner: The point, it appears to me, may be put against you in this way. The captain was trying, naturally, and I cannot help thinking properly, to escape from this horrid thing, and his mind was upon that. He then suddenly gets a notice to stop or the submarine will fire. Now we do know this—and it does not depend upon clocks at all—that from that moment until the actual explosion was only about ten minutes. That does not depend upon clocks; it depends upon the recollection of the men who speak to it as to what time elapsed between the order to stop and the explosion; that is to say, this submarine gave that big ship with 250 souls on board it, ten minutes in which to save their lives.

Mr. Taylor: Yes, my Lord. I would suggest that between the time when the submarine was first sighted and the time when the order was given for the engines to stop, some intimation should have been given, or might have been given, to the crew to prepare for their boat stations.

The Commissioner: I follow that. Who else wishes to address me?

Mr. Groebel: Will your Lordship allow me to make an application with regard to two of the witnesses?

The Commissioner: Whom do you represent?

Mr. Groebel: One of the deceased passengers—a first-class passenger.

The Commissioner: Do you represent the executors?

Mr. Groebel: Yes, my Lord, the administrator.

The Commissioner: What is the object of the administrator appearing?

Mr. Groebel: If I have a case at all I might have a case under Lord Campbell's Act.

The Commissioner: You mean to say for compensation?

Mr. Groebel: I might; I do not know.

The Commissioner: What was the name of your passenger?

Mr. Groebel: George Kilpatrick Given.

The Commissioner: Was he a married man?

Mr. Groebel: No, my Lord, he was an Assistant Commissioner going to Lagos.

The Commissioner: What sort of claim under Lord Campbell's Act would you have?

Mr. Groebel: Some part of his payment to his father, who is a doctor.

The Commissioner: How much?

Mr. Groebel: Some part of his monthly pay. I believe he used to allocate half, or a third.

The Commissioner: It seems to me a very speculative sort of claim.

Mr. Groebel: That I do not know; that is for counsel to consider later on. The first question I would suggest is, What instructions did the marine superintendent, Captain Thompson, receive as to the course of voyage to be taken by the "Falaba"?

The Commissioner: What has that to do with it?

Mr. Groebel: According to my instructions—and I have a further question—I understand this—

The Commissioner: You can only comment upon the evidence at present.

Mr. Groebel: I am not commenting. I am suggesting certain questions which might be put.

The Commissioner: But I cannot have witnesses recalled; they have gone away.

Mr. Groebel: No, my Lord. The captain is here.

The Commissioner: The captain of what.

Mr. Groebel: Captain Thompson is here.

The Commissioner: Yes, but the captain of the "Falaba" has gone away.

Mr. Groebel: I have the questions here, if your Lordship will consider them.

The Commissioner: You may hand them in to me.

Mr. Groebel: If your Lordship pleases.

The Commissioner: Now what about Mr. Cotter. Mr. Cotter has been here a long time and has asked a great many questions.

Mr. Groebel: I am told Mr. Cotter is missing.

Mr. Holmes: He has been here, but he does not want to address your Lordship.

The Commissioner: Very well, give him my compliments and thanks.

Mr. Butler Aspinall: If your Lordship pleases:

It now becomes my duty to address your Lordship on behalf of the owners of the vessel, Mr. John Graig, the managing owner, Captain Thompson, the Marine Superintendent, and Mr. Baxter, the Chief Officer of the "Falaba."

My Lord, the aspects of this unhappy case which concern me, speaking quite broadly, are the condition of the boats and the manner in which the crew of the "Falaba" used and dealt with the boats. Those are the only aspects of the case to which I propose to address my remarks. Starting with the question of the boats, it is clearly established in this case that the boat accommodation was considerably in excess of the accommodation required for the persons on board. According to the Board of Trade regulations there was boat accommodation required for 282 persons. We had that accommodation, and in addition to that we also had the Captain's gig, an extra boat, which was capable of carrying 25 people, which meant that there was boat accommodation on board this vessel for 307 people, while she was certified to carry 282 souls in all. On the occasion in question she was carrying 242 souls, 147 passengers and 95 crew, and, as we unhappily know, somewhere about 100 people unfortunately were lost.

The Inquiry at once raises this question: How comes it that those people lost their lives? and it is obvious that in the interests of the public, and also in the interests of the Elder, Dempster Line, a most searching inquiry should be made into what were the causes of that unhappy loss of life; and, as far as I am able, I propose now to assist your Lordship, if I can, in

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MR. BUTLER ASPINALL.

[Continued.]

ascertaining how it came about that these people were drowned or succumbed to exposure.

My Lord, I take it that it is the duty of the shipowner to provide a seaworthy ship, a ship efficient and fit for the voyage which she is about to take, and also it is his duty to give that ship into the charge of an experienced master, officers, and crew. Those are my two submissions, speaking from the point of view of the shipowner, and I submit that the investigation into the facts of this case entitles me to say that your Lordship should find that I have discharged both those obligations.

Now, in this case an attack has been made by certain of the passengers, both upon the boats and also upon the manner in which those boats were handled and were managed; and I wish these gentlemen, the passengers, to understand and appreciate at once that I am not complaining for one moment of the attack. They were not only entitled to make the attack but they were bound in duty to come forward and give your Lordship such information as they had with regard to these matters. It was their duty, and, speaking for myself, one is indebted to them for coming forward so that we are able to say when this case is over that there has been a full and searching investigation into all the facts which could throw any light upon this calamity.

Before closely considering, as I am afraid I shall have to do, the evidence with regard to these matters, may I be allowed to summarise what I conceive to be the points of the attack made by the passengers? The main point is that these boats were rotten. They used the word "rotten"; but what I think they meant was, in substance, that the boats were unsound and unfit to be used as boats. The other points of attack were these: That there were no boat lists for the crew, and I believe that there was a complaint that there were no boat lists for the passengers; thirdly, that there was a lack of guidance or direction to the passengers; fourthly—and this is an important matter—that there was negligence in the lowering of the boats; fifthly, that there was misconduct on the part of one boat, namely, boat No. 4, by those who were in charge of the boat refusing to render assistance when she had the opportunity to do so; sixthly, that there was misconduct on the part of the boat in not returning to the "Falaba" after the passengers had been put on the trawlers; and lastly, I think in one case there was a life-jacket lacking in a cabin; and in two cases tapes were missing from two life-jackets. Those, of course are all issues of fact which have to be determined according to the evidence, and what one has to consider here is, what is the evidence with regard to these matters?

Now, as I have already said, the attack is made by the passengers. A large number of them came forward, some seventeen or eighteen of them, in support of those charges, and I want those gentlemen to understand that in saying what I am going to say, I am speaking in no spirit of hostility to them. I am not attacking their veracity and I am not impugning their good faith. I have no doubt they perfectly honestly believed what they told the Court. They formed the impression at a time when their opportunities certainly for accurate observation were not good, but they undoubtedly have come to the conclusion that they have a grievance against the Elder, Dempster Line, and against the sailors of the Elder, Dempster Line who were managing the boats under the very trying circumstances of this lamentable tragedy.

Now, my Lord, what I proposed to do was, first of all, to call your Lordship's attention to what I may call the affirmative evidence that we have put before the Court in regard to the boats; but before doing that I want to recall, if I might, to your Lordship's mind what seem to have been the facts with regard to the history of each of these boats on the occasion of this casualty. No. 1, your Lordship may remember, was lowered and in the process of lowering it met with an accident. The suggestion was that somebody let the falls run through their fingers, or that the person, namely Mr. Baxter, the chief officer, having charge of the falls, was attracted by something which was happening in the neighbourhood of boat No. 6 and let go the falls, with the result that the

boat fell into the water; that a great number of people were thrown into the water; that the boat opened out, and that a large number of the occupants of that boat lost their lives. That is a summary of what is alleged to have happened with regard to that boat. No. 2 was the boat which was more or less taken possession of by the four passengers, the two Mr. Ryders, Mr. Primrose, and Mr. Chiswell, and there was a controversy as to whether or not any member of the crew took any part in the lowering of that boat. The result of it was that that boat also fell vertically and then dropped into the water, but although it sustained damage—very serious and very substantial damage—it was instrumental in saving about twelve lives. Boat No. 3 was launched and went away safely. Boat No. 4 was launched and went away safely; and in passing I might remind your Lordship that this is the boat the occupants of which have been attacked by Lieutenant Grant and Captain Harrison. There is a serious charge with regard to the conduct of those in boat No. 4, namely, that although they could have saved life, unfortunately they saw fit to refuse to do so. I think with regard to that boat as with regard to the other boats, when I come to call your Lordship's attention to the evidence, there is a complete answer to that charge. No. 5 was the boat of which the after fall jammed, with the result that it was capsized as it was falling into the water, and after it got into the water it turned upside down and unfortunately a very large number of people lost their lives. The evidence with regard to that, when one comes to look into it closely, is in some conflict and is left in some doubt. It was the boat which the Solicitor-General opened as being a boat which may have been affected by the discharge of the torpedo. There is certainly some evidence in support of the view that that boat was destroyed after it got into the water by reason of the shock of the torpedo. I will call your Lordship's attention to the evidence when I come to deal with that boat.

The Commissioner: Which boat are you on now?

Mr. Butler Aspinall: No. 5. Boat No. 6 was lowered, and unfortunately capsized after it got into the water, and a great number of people lost their lives. There is evidence that that boat was dashed against the side of the "Falaba" in the lowering; and it also had a collision apparently with another boat after it got into the water. No. 7 boat was the gig, which was lowered safely and got away. No. 8 boat was the boat which, whilst it was still in the davits, or some people have said in the chocks, was affected by the discharge of the torpedo, and, unfortunately, that boat was lost and loss of life ensued.

That, quite generally speaking, is the history of what happened with regard to these boats. Now, having called your Lordship's attention to the story with regard to what happened to each of the boats, let me, if I may—it is a short matter which can be dealt with quickly—deal with the question as to the condition of these boats. Of course, it is a matter of very vital importance to the owners, because if the charge which has been made, that these boats were rotten or unfit to be used as boats be true, it naturally would be a charge of a very serious character affecting the credit of the owners of this vessel. Your Lordship has, I submit, had the most exhaustive evidence put before you with regard to the history of those boats. Your Lordship has been given the date when the various boats were supplied. Your Lordship has also been told that they were furnished to the company by boat builders of good repute. Your Lordship has also been told that they were overhauled by a man who presumably knew his business, surveyed by that gentleman, Mr. Miller, in December of 1914, and unless that gentleman signally failed in his duty it is inconceivable that in the few months which elapsed, those boats could have become rotten and unfit for service. In addition to that evidence, which, I submit, is evidence of a very conclusive character, you have evidence which proves, for what it is worth, this further fact, that both for the reputation of the Elder Dempster Line and also for their pocket it is incredible to think that these boats would have been allowed to have got into such a rotten state. In these days of competition ship-owners know full well how important it is, not only

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that their ships should be good, but that their equipment should be well kept up and managed. In addition to that, we were told by the Board of Trade Surveyor that when he surveys these boats, if he finds they are perished or rotten or unsound, he condemns them. Therefore, from the point of view of the pockets of the Elder-Dempster Line, it is all-important that these boats whose life, if the boats are well looked after, should be some 10 or 12 years—I think the evidence was—from the point of view of their pocket it is all important that care should be taken that these boats are kept in good condition, as they very easily can be if their servants do their duty. In addition to that evidence we have the evidence of Captain Thompson, who has told us that with the assistance of his officials it is his duty on every occasion when a ship comes to the Port of Liverpool to see that these boats are in good order and condition. I think one is entitled to make this remark, and I submit it is a remark of substance and of weight, that in these unhappy days when passenger vessels are exposed not only to the ordinary perils of the sea but to the danger of being destroyed by enemy submarines, it is incredible to think, under such circumstances, that Captain Harrison and those associated with him would not have made it their special care and special duty to see that the boats were in good condition and to see that everything connected with the life-saving appliances of a large passenger ship like this should be in good order and condition. It is the one thing one would have thought they would have had present to their minds. This blockade had been declared. It may be the owner would say "My ships may suffer, therefore I will make it my special duty to see that everything is in good order and condition." And it is to be noticed—and I have confirmation in the evidence for all the statements I have made, but I might call your Lordship's attention here to what Captain Thompson's last instructions were to the captain of the "Falaba"—that on page 16 of the print there is this evidence. At Question 592 he was asked "What about boat stations?" and he said "Well, the last order I gave to the captain of the "Falaba" was that he was to get his boats out. I got them floated just to hold together for the purpose of heaving on the handle as they go out and get his boat stations as soon as he possibly could put up after we left him in the river." So that it is obvious that this matter was specially present to the mind of Captain Thompson, and emphasised by Captain Thompson to the captain of the "Falaba," which is only what one would expect they would say to one another—the boats are matters of vital importance, or possibly may be in view of the fact that the mercantile marine of England at the present moment is threatened by the possibility of torpedo attack.

Without wearying your Lordship further in regard to those matters, I submit that the charge which has been made with regard to the boats has entirely failed. I have no doubt, seeing that the boats met with disaster, one can well understand that these gentlemen jumped to the conclusion that the boats were rotten and unfit to be used as boats; but I submit that the evidence before the Court is much too strong to ask it to say that that charge has been made out. Incidentally this is to be noticed: that whereas the boats failed, for reasons which, I think, I shall be able to explain, not a single rope connected with the tackle, although the ropes were severely and rigorously tried, carried away. Again, that I submit is in itself possibly a small bit of evidence, still it all fits in with what I submit should be the outcome of this evidence, that abundance of care was taken on the part of the company to see that the boats and the boat tackle and boat equipment were in good order and condition. So much for the question of the boats.

Now with regard to the other points of attack, point No. 2 was that there were no boat lists for the crew or passengers. With regard to that, we have been told that the practice in this vessel, and I submit it is a reasonable practice, is that the boat list is got out as soon as it can practically be got out. One cannot, of course, do impossibilities. I suppose perhaps it would be more desirable that one should have a boat list up as soon as ever the anchor is up

and the vessel sails. But, in fact, that is impossible. If it could be done readily, of course, it would be done. The ship, no doubt, came out of dock at 6 o'clock in the morning, and did not sail till 6 p.m., 12 hours afterwards; but as Captain Thompson told us, it is very difficult to collect your men, and in this particular case four of the crew came on board as late as the passengers did, and that is, as common experience teaches one, what happens. Some of the sailors, unfortunately (not those of engine room staff as your Lordship elicited), came on board suffering from intoxication, and there always are out of a large crew unfortunately a certain number of men who do not act up to the higher standard of conduct, but when they get to sea they are not a whit worse as sailors. But we must deal with human nature as we find it, and I submit it is quite impossible under these circumstances for shipowners to do more than the Elder, Dempster Line did in this case with regard to boat lists.

Now, the evidence is that after the "Falaba" had got out to sea the purser and his staff, whose business it is to arrange the boat lists, were in the course of this morning of the 28th, when this ship met her death, getting the boat lists ready, and apparently they were acting in accordance with the practice which obtains on this ship and many other ships in getting the boat lists ready in the first 24 hours out. I submit, therefore, with regard to the boat lists, that there has been no dereliction of duty with regard to that matter. A suggestion was made by the passengers—I do not think it was very strongly emphasised—that it would have been better if there had been a passenger list. I believe in some cases it is left very much to the discretion of ship masters as to whether there should be a passenger list or not. I believe some shipmasters think it is well that there should be a passenger list, many others think better not.

The Commissioner: Can you tell me whether on the great American liners there is a passenger list?

Mr. Butler Aspinall: I have never seen one. I have been across a good many times.

The Commissioner: I have travelled on them. It may be that there is such a thing put up in the cabin, but as with all that class of notices, if it was there, I have never seen it.

Mr. Butler Aspinall: What Sir Stanley Buckmaster said with regard to this matter I submit is very good sense. On page 2 of his opening he said: "Now, with regard to the passengers, no specific directions were given them at any time as to where they were to go; and it may be there is good reason for that, because if specific directions are given to passengers and an unforeseen disaster occurred, it might occur at such a place and under such circumstances that strict obedience to rules might result in disaster. I understand that is the view held by people responsible for the navigation of this vessel, and, at any rate, before the accident occurred, no directions had been given to the passengers as to where they were to go." One can well conceive that after an accident of this sort, first of all the passenger would not read his boat list, or many would not; secondly, those who would, would not understand it; and thirdly, possibly those who had read it and did understand it, and who were insistent obstinate people, might make confusion worse confounded by refusing a place in No. 2 boat, say, which was available, and say "No, I have a ticket for No. 5." Of course it is all-important that the crew should have their boat stations, but I submit the possibilities of saving life should not be fettered by any feeling on the part of passengers that they have to go to any particular boat. I do not think, with respect, it was a point which was really pressed by the passengers, although there were one or two suggestions by them, that it would have been better if a passenger list had been put up. I pass away from that. My friend, Mr. Bateson, suggests: In heavy weather, which might result in a vessel foundering, and the boats being washed away, what would the passengers who had been allocated to a particular boat do? I submit it is much better to leave each case to be determined by the circumstances as they arise.

The next point I have to deal with is an allegation that there was negligence in the management of the boats by the crew. Now, how does the matter stand as regards that? Taking the boats in order, boat

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No. 1 as we know met with a mishap, and the evidence with regard to that is, according to Mr. Baxter, who was the chief officer, who holds a master's certificate, and who at any rate would know what he was speaking about when he was in the box; that the cause of all the trouble (and this is on page 7) was that certain people jumped from the promenade deck. At Question 173 he was asked "Then what did you do?—Lowered away, and when it got to the promenade deck several of the passengers jumped in from the promenade deck, and the man let go the fall, and the other man let go the fall to try and save it, but it was impossible. Did you see them jump in?—Yes. What part did they jump in?—The forward part. At that time were the men slacking away?—Yes. And your view is that the extra force with the weight suddenly put upon the boat caused the men to let go?—Yes. What was the result?—The boat and everybody went into the water, but they all had lifebelts on." Now, my Lord, that is an intelligible account of this disaster, and, if it is true, I submit that the incident carries in no sense any discredit to the part the officers and crew were playing in the launching of that boat. Of course it is open to the comment that it may not be true; but that means if that is so that that man is telling a lie. But he is a man in a respectable position, holding a master's certificate; he is a man who has had the great luck to be saved from the jaws of death; and is it likely a man would come here and tell what undoubtedly would be a deliberate lie? Because, my Lord, there is a wealth of detail about that story. It is highly improbable, because it is not he who fails; he was not holding the falls; it is somebody else.

The Commissioner: Who were holding the falls?

Mr. Butler Aspinall: He says: "And the man let go the fall." I have not chapter and verse for it at the moment, but I think it was a sailor. Will your Lordship look at Question 169. "Who had charge of the falls of it?—(A.) It was some of the stewards, but I do not know who they were. I did not see any of the quartermasters at that boat." Now, my Lord, I submit that that is an explanation.

Mr. Branson: The witness Hinmars and the bar-keeper, Williams, were at the forward fall. That appears on page 75. Question 3234 and onwards.

The Commissioner: That is in yesterday's evidence?

Mr. Branson: Yes.

The Commissioner: Whose evidence is it?

Mr. Branson: Charles Duncan Hinmars.

The Commissioner: The captain's steward?

Mr. Branson: Yes. "Did you go to the falls of No. 1 boat?—(A.) Yes."

Mr. Butler Aspinall: My Lord, there is some corroboration of the fact that the passengers probably did that which the chief officer said they did do with regard to boat No. 1, at page 49. A gentleman of the name of James Charles Murray is giving evidence. He was a foreman on the Gold Coast Government Railway, and he was saved in boat No. 3, which, as we know, was next to boat No. 1, the boat under discussion. He is asked at Question 1975: "And when you did move, where did you move to?—(A.) I went to the starboard side of the ship. (Q.) To a boat?—(A.) No, I leaned over the rails and I saw there was a boat being lowered—No. 3. (Q.) Was it full, then?—(A.) No, they were just lowering it. (Q.) But were there people in it?—(A.) No, there was nobody in it, so I made for the lower deck" (that is the promenade deck) "and when I got there the boat was level with the deck—it was being lowered. (Q.) Were there any people in it yet?—(A.) There was a general scramble, and I was one in the scramble." Now, if that incident took place with regard to No. 3, it is probable the same class of incident may have taken place with regard to No. 1. One does not blame the passengers. It is a very natural thing to do. I submit, therefore, there is a perfectly satisfactory explanation of this unfortunate incident with regard to boat No. 1. Whilst I am on No. 1, may I remind your Lordship that this is one of the boats that after it reached the water, opened out and foundered. The phrase was that "it opened out." Now, when one remembers the evidence Mr. Camps gave yesterday, I submit that in no way reflects on the quality of the boat. What Mr. Camps told your Lordship yesterday was

that with these large flat-bottomed lifeboats with people in them—and there were many people in this boat—dropping suddenly on the water as that boat did, he can well understand that a good boat might open out; and once it had opened out, in comes the sea water, and then it means that she is a lost boat.

The Commissioner: Where was boat No. 1 at the moment of the explosion?

Mr. Butler Aspinall: I do not think there is any evidence which justifies me in praying in aid the possibility of the explosion destroying it. I advisedly say I do not know that there is any evidence; but, of course, it is quite possible that the boat was still somewhere on the starboard side in the way of the explosion. That is possible, but I have no specific evidence which would enable me to found any argument on it. So much with regard to boat No. 1.

Now, with regard to boat No. 2. Boat No. 2, your Lordship may remember, was the boat which to some extent was taken possession of by the two Mr. Ryders, Mr. Primrose, and Mr. Chiswell, and I wish to make this general remark again without in any way reflecting on the conduct of the passengers. One of the officers, whom I called, said, that in many cases the passengers gave valuable assistance, and in some cases they hampered—which one can well understand, unfortunately, would be the case. With regard to boat No. 2, these four gentlemen were minded to save their lives in boat No. 2. Their evidence was somewhat confused, because, your Lordships may remember, some of them said there were none of the crew at the falls, and others said there were some of the crew at the falls. I think it is undoubted how this accident to boat No. 2 happened, because in the earlier stages of the case a witness, named John Ellams, whose evidence is on page 12, was called; he was a steward, and in the early part of his evidence he tells us the directions he got as regards guidance and matters of that sort. Then, he was asked, at Question 474, "When you got your cap and coat on, did you go to your boat number 2 on the port side" (this is his boat)?—(A.) Yes. (Q.) Did you see the boat break away from the davits and the passengers and crew thrown into the water?—(A.) Yes. (Q.) Could you tell how it happened?—(A.) Yes. (Q.) You could?—(A.) Yes. (Q.) How did it happen?—(A.) One man let the fall run through his fingers. (Q.) Could you see what made him let the fall slip through his fingers?—(A.) No, because the captain was giving me instructions at the other fall. The man with the fall at the after end of number 2 boat let it go, and that end of the boat fell straight down. The captain then told me to let the other end go gently. (The Commissioner): How did he come to let it go?—(A.) I cannot tell. (Q.) Do you know who the man was?—(A.) Yes. (Q.) Is he alive?—(A.) No." Then, examined by Mr. Cotter, at question 492, he was asked: "What was the rank of the man who let go of the fall—what was he, do you know?—(A.) Yes. (Q.) What was he?—(A.) A butcher—the chief butcher." So I think it is undoubted that the cause of this trouble was that the butcher failed. One cannot get away from that; but that is a very different thing from saying that the chief butcher was guilty of any negligence. One knows that the four passengers were busying themselves with regard to this boat. They told us they were attempting to push her out, and whether they hampered or assisted that man or were the cause of this trouble, I know not—the unfortunate butcher is dead; but I submit there is no evidence here showing that because the man failed, or rather, because the rope ran through his fingers, therefore he was guilty of any negligence.

The Commissioner: There were four people in that boat, were there not, at the time the accident to it, or whatever it was, happened?

Mr. Butler Aspinall: Yes.

The Commissioner: And those four people were thrown into the water.

Mr. Butler Aspinall: They went down in the boat.

The Commissioner: Did they stick to the boat?

Mr. Butler Aspinall: Yes.

The Commissioner: Very well, and now what became of that boat.

Mr. Butler Aspinall: What that boat did was to pick up 10 more people, it lived for three

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and a half hours, and at the end of those three and a half hours those people were all put on board a trawler, two of them unfortunately having succumbed to exposure. What concerns me, of course, representing the interests I do, is to deal with the evidence in so far as it shows negligence or rebuts negligence on the part of those whose interests I represent. And what I am pointing out to your Lordship here is that, according to my submission, there was an accident which happened to boat No. 2. Now, when one bears in mind, as one must, what were the circumstances under which this calamity was happening, there was the fact that death was staring all these unhappy people in the face; there was the fact that no one knew at what moment the torpedo might be fired; and there was the fact that in order to clear this big ship of some 242 souls, at the most there was ten minutes. I submit under those circumstances one would require very strong and very conclusive evidence to come to the conclusion that there was negligence on the part of any members of the crew in the way in which they dealt with these boats. That, my Lord, was the undoubted cause of this boat getting into trouble—the fact that the fall ran through the man's hand, and, possibly, the fact that the disaster was in some way contributed to by the efforts, and very zealous efforts, of these four passengers to get the boat into the water. Now, my Lord, was the boat a good boat? Because here again this boat after it got into the water undoubtedly sustained a great deal of damage. The passengers told us they conceived there was a hole in the bottom and they said part of the gunwale broke away. Now, Mr. Camps told us, and it is really self evident when one applies one's mind to the facts, that that boat must, undoubtedly, have been dashed against the side of the ship as it went into the water. Whether the davits had been properly used or not, force had been applied to push the boat out, with the result that as the boat went down vertically it must have hit the side of the ship, and I have no doubt that that boat was severely damaged having regard to the manner in which it came from the davits into the water.

The Commissioner: To clear the side of the ship you had to turn a screw?

Mr. Butler Aspinall: Yes.

The Commissioner: And no one appears to have attempted to do that?

Mr. Butler Aspinall: No. Not unnaturally the four passengers came to the conclusion that the proper way to do it was by force, to push it out, and they pushed it out, and I suppose it fell back, and about that time the lowering commenced, with the result that the boat was damaged against the side of the ship. The boat had, undoubtedly, heavy usage, and after all, as I have pointed out, the boat in fact saved several people, the boat in fact lived for three and a half hours. There was the evidence of one of the passengers, which is to be found on page —

The Commissioner: What are you looking for, Mr. Aspinall?

Mr. Butler Aspinall: I think it is a reference to the evidence as to Mr. Primrose. Mr. Primrose was seen by one of the passengers standing up in this boat, which was well out of the water.

The Commissioner: I remember the evidence.

Mr. Butler Aspinall: It was the evidence of Mr. Bressy, who was one of the Nigerian officials, a mechanical engineer. He was saved in a boat, but he could not give us the number of it; but what he does tell us is at page 21, Question 822. "I felt the water up to my ankles, and when it was up to my knees it was coming in at either the bottom or the sides very rapidly. Then within two or three minutes the water was up to my waist. The gunwale half of that boat—that is a big V-shaped strip, floated gradually away, and three copper lifetanks came up in front of me, and floated away, and it was so close to me that I pushed it away. I remember they were copper, and then I thought it was time to get out of that boat, because I could see she was going to sink—and in my judgment she was going to sink—so I got over the side of that boat; it was no distance to go because she was level then, full of water, and I got into the water; but the

ultimate end of that boat I have no idea of." Then he said—and this is the part I wish to call your Lordship's attention to—"Forward of me, and under the stern of the "Falaba" I saw one other boat. She was high out of the water, apparently a lifeboat high out of the water, and I saw one man in her, a man that I recognised because he had worked under me on the railway, and I knew him very well. Anyhow, he was standing up in that boat. His name was Primrose." So that we have evidence from this gentleman, Mr. Bressy, that boat No. 2 was apparently high out of the water—a lifeboat high out of the water. Now if that be the fact, I submit the evidence which has been given as to the water-logged condition of this boat has been exaggerated and is inaccurate. As I have said, one can well understand this, and one cannot always trust the evidence of passengers with regard to these matters. They had been through a very trying ordeal, and the result was that a very large number of passengers came and described this boat as really not being a boat at all; they told some story of how they held the planks together in order that it might save them—a most deplorable description of this boat when, as I have pointed out, in fact we find it living 3½ hours in a sea which was gradually getting rougher.

The Commissioner: They talked about slinging a rope round it?

Mr. Butler Aspinall: Yes.

The Commissioner: I am satisfied at present that they did such a thing.

Mr. Butler Aspinall: Undoubtedly. I have no doubt that at the forward part the gunwale came away; there was a tremendous strain put upon it, and it was damaged. But my submission is that, without these gentlemen being wishful to deceive the Court, they have formed an exaggerated view with regard to the condition of that boat. I say the facts are so strong in favour of the view which I am putting before your Lordship, namely, that the boat rendered good service and did good service and remained afloat for three and a half hours, that instead of being water-logged, if Mr. Bressy's description is right, there it was high out of the water; and that looks as if No. 2 was a good boat. So much for No. 2. With regard to No. 3, No. 3 was launched and went away safely. No. 4 was launched and went away safely. No. 5 was the boat of which the after-fall jammed. The boat reached the water, but unfortunately she capsized. It is difficult, in fact it is almost impossible, to get at the cause why she capsized, but the result was that a great number of people lost their lives. I think it is only right—because it is evidence which one would pay respect to, in connection with boat No. 5—to call your Lordship's attention to the evidence of Lieutenant-Commander Heathcote of the Royal Navy, who was going out to the West Coast to take up some position under the Government there. He was the gentleman who gave us evidence with regard to boat No. 5 and also with regard to the general condition of the boats.

The Commissioner: On what page is that?

Mr. Butler Aspinall: On page 38. He tells us that he is a lieutenant in the Royal Navy and Assistant District Commissioner of the Gold Coast, and at question 1613 he says: "There was a light breeze and a swell. The wind was across the swell. (Q.) What was the direction of the wind?—(A.) Roughly from the north-east, I should think, and the swell would be from the south-west. (Q.) When the "Falaba" stopped, what did you do?—(A.) I was in my cabin and was awakened by one of the other passengers. I went out and saw the submarine, and went back and got a lifebelt and gave one to my cabin companion." Might I pause to say that there is a very slight complaint about the lifebelts, but very nearly every passenger who has been called stated that they got their lifebelts. This gentleman mentions this. He was asked: "Did you see any of the boats that were launched?—(A.) I went up to the boat deck on the starboard side and saw the three starboard boats, 5, 3, and 1. (Q.) Let me take No 1, what happened to that?—(A.) The after fall was let go when there were people in it. The boat swung vertically and the

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foremost fall parted, and then the boat fell into the water, having thrown all the people out." With respect I do not think the foremost fall ever did part. I think the evidence is conclusive that none of these ropes ever carried away, but that certain ropes ran through the hands of the people who were dealing with them. "Could you see whether the fall was let go in consequence of passengers jumping into it from the passenger deck. (A.) My impression" (he does not put it any higher than this, and I have already read the evidence of Mr. Baxter as to what really happened) "was that they started to lower it and had not sufficient turns on, and the rope must have rushed out of the man's hands." "(Q.) You were on the boat deck when the boat came away—the passenger deck. Did you see any passengers get in?—(A.) No. I do not think it had got far. They had only just started the falls." "(Q.) And it rushed out of his hands you think?—(A.) Yes." "(Q.) And it was filled with people?—(A.) Yes." "(Q.) Who were all capsized?—(A.) Yes." Now that is the impression of what he thinks about No. 1. Then, "with regard to No. 3, what happened?—(A.) No. 3 was lowered and got away all right with people; but there were a large number of native firemen in that boat. There was a sergeant, one of the passengers, trying to stop them rushing the boat—not with much success." That shows the difficulties again which the crew possibly may have had to deal with. These native firemen, I believe, do cause trouble. "There was no attempt to rush the boats on the part of any of the English people?—(A.) No. It struck me that the native firemen were trying to rush it." "(Q.) But there was nothing serious, and it was stopped?—(A.) Yes." "(Q.) Then as to No. 5?—(A.) That started lowering, and I went down and got to the bow of No. 5, but she was partially water-borne, and as the swell came up and took the weight of the boat, the after fall jammed, and could not be moved. I called for them to hold on with the foremost fall, but they took no notice and lowered the bow so that the sea filled the boat and washed everybody out." Now it may or may not be that the main cause of the trouble with boat No. 5 was that the after fall jammed; but to say that that necessarily constitutes negligence under the circumstances in which the operation was being carried out, is quite another matter. I think it is undoubted that that was the primary and main cause of this trouble.

The Commissioner: He describes it as negligence, you know. Look at question 1651, your own examination. "Might that be an accident, or do you think that was due to negligence?—(A.) I should say negligence."

Mr. Butler Aspinall: There he gave his evidence with regard to whether that boat was affected by the torpedo or not, and there is some evidence which points to that at question 1629. "One or two witnesses have said that at the moment that the boat was lowered the torpedo struck the 'Falaba'?"—(A.) That is wrong, because I held on to the life line and hung on to it until the boat was either broken away or people had swum away clear, and then I dropped into the water and got a small cask and tried to swim away. I drifted away, and that is what made me think the 'Falaba' had stern way on, because I went ahead of the ship, and I had been in the water some time before the torpedo was fired." Now this gentleman's impression—and it shows you how very difficult it is to get certain information as to what happens under these trying circumstances—is that the "Falaba" had stern way on. "I saw the explosion" (of the torpedo) "when it hit the ship, and I felt two distinct shocks." Then he says he was picked up by the "Eileen Emma." Now in order to appreciate the mental view of this gentleman with regard to the "Falaba"—he seems to have had some grievance against her—may I call your Lordship's attention to question 1635: "Are you in a position to say from your own examination and knowledge as to the seaworthy condition of these lifeboats?—(A.) I did not look at them. I did not inspect them, as I was only a passenger; but from what I know of liners' boats I do not think they are lowered into the water except when the Board of Trade have to examine them, and then they are only just lowered and hoisted up again, when really they ought to have been left in the water to soak 24 hours at least, once in every two or three months so as to

keep the wood swollen." He evidently has preconceived ideas long before this disaster happened, that liners' boats are not to be trusted. He may be right or he may be wrong, but that was the gentleman's frame of mind in giving his evidence. Then I cross-examined him, and your Lordship asked him some question about the surf boats. I suggested to him in my cross-examination with regard to the accident that happened to boat No. 1, that it might be that it was due to the fact, as the chief officer told us, that the people jumped into the boat forward. He, I think, was prepared to acquiesce in the possibility of that suggestion. Then later he does say that the cause of the trouble to No. 5 was in his view due to negligence. So much with regard to the cause of No. 5 boat not reaching the water properly. Now after it reached the water it was capsized; but it is very difficult on the evidence to know what was the cause of its capsizing. There is evidence that possibly the torpedo was the cause of the trouble. Your Lordship may remember the evidence which was given yesterday by the captain of the drifter the "Eileen Emma." He told us in his evidence yesterday that he was satisfied that two boats on the starboard side were affected by the discharge of the torpedo. Now No. 1, I submit, is out of the story. No. 3 is out of the story for the purposes of this case. We know that No. 8 was affected by the torpedo.

The Commissioner: Where is the evidence that two on the starboard side were affected?

Mr. Butler Aspinall: Question 3325 of the last day's evidence.

The Commissioner: Yesterday's evidence, do you mean?

Mr. Butler Aspinall: Yes, my Lord. He had given his evidence as to being in the immediate vicinity of the "Falaba" on the starboard side, and whilst being examined by me, he told us this: At page 77, question 3325, at the beginning of his examination by me, I asked him, "You remember hearing the explosion of the torpedo?—(A.) Yes." "(Q.) Now, at the time did you form the impression that some of those boats on the starboard side were damaged or affected by the explosion?—(A.) Yes." "(Q.) How many?—(A.) Two." "(Q.) That was the impression you formed at the time?—(A.) Yes."

The Commissioner: Those two you say would be Nos. 5 and 8.

Mr. Butler Aspinall: Numbers 5 and 8. Then, my Lord, at page 37 is to be found the evidence of Mr. Primrose. Mr. Primrose was one of the gentlemen who was saved in boat No. 2. At question 1562 Mr. Branson says: "Anyway you saw a boat on the starboard side which you think was No. 3." It cannot have been No. 3, because it got away safely. "What happened to that?—(A.) She was full of passengers and apparently being lowered successfully, and when the torpedo struck the ship something seemed to go wrong, just as if the ring-bolt had come out, and the boat was precipitated in the water and turned bottom upwards."

The Commissioner: That cannot have been No. 3.

Mr. Butler Aspinall: No, my Lord. No. 3 was safe, and the disaster which this gentleman described is the sort of disaster that happened.

The Commissioner: "Did that follow the explosion?—(A.) That followed the explosion."

Mr. Butler Aspinall: Yes. "Did you notice the boat further aft at all?—(A.) No (that includes No. 8)." "The one you saw affected by the explosion was further forward?—(A.) Further forward, about amidships." So that he cannot be talking of No. 8; he cannot be talking of No. 3; and I submit the fair inference to draw is that he is talking of No. 5.

The Commissioner: "We have had some evidence that it was No. 5 boat. Are you sure it was No. 3 or No. 5. Look at the position on the plan. Was it the most forward boat you could see at that time?—(A.) It was the only boat on that side at the time."

Mr. Butler Aspinall: Yes. Then, my Lord, there is the evidence, not so strong, of Mr. Emery, at page 50. Mr. Emery was saved in No. 3 boat, which was the boat next to No. 5. At the top of the page he was asked: "What did you do after the boat dropped into the water?—(A.) Made our way. We had, I think it was the third engineer, but I am not sure; however, he was an officer of the boat, a very useful man, and he undertook the steering of the boat, and we made

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away from the ship as fast as possible." "(Q.) Now, what were you doing in the boat: were you just standing up, or sitting down, or what?—(A.) I was assisting the officers as much as I could." "(Q.) Were you rowing?—(A.) No." "(Q.) Had you an opportunity of seeing anything that was going on with the other boats?—(A.) Only No. 5. I saw that boat slip from the davit." "(Q.) Describe, please, what you mean by 'slip from the davit'?—(A.) The boat was launched, the passengers in it slipped, and they let that end of the davit go." "(Q.) Which end do you mean, the after end or the forward end?—(A.) The forward end." "(Q.) That seemed to go, did it?—(A.) Yes." "(Q.) At that time were there people in the boat?—(A.) Yes." "(Q.) What happened to it?—(A.) It shot the people in the water." "(Q.) Can you tell us at the time when that happened where the submarine was?—(A.) It had made its way to the starboard side of the boat. (Q.) Had it shot its torpedo at that time?—(A.) No, not then. He was fixing himself, I suppose. I was thinking of the position of the submarine directly opposite No. 1." There, my Lord, was the submarine in the appropriate position to possibly do harm to boat No. 5. As I say, it is nothing like so strong as the evidence I have already called attention to, but it is some evidence in support of the view that No. 5 boat after it got to the water was capsized in that way and so caused considerable loss of life.

The next boat was No. 6; that was the boat which was launched and then turned over, and was lost.

The Commissioner: There is some evidence about No. 5 on page 59,—the evidence of a man named Peate.

Mr. Butler Aspinall: I have not had an opportunity of digesting the whole of the evidence, so I may have missed that. May I know the number of the question?

The Commissioner: You may begin at Question 2399 at the top of page 59. I asked the question of Mr. Stephens "which boat are you dealing with now?" (Mr. Stephens.) No. 5, my Lord. (A.) No, I could not say why they did not run" (that is the falls, I suppose). "Did you see any turns in the tackle, or anything of the sort?—(A.) Yes, they were twisted. (Q.) Were they sufficiently twisted to stop its running?—(A.) No, it is quite possible that the end of the fall was twisted, and jammed in the block. (Q.) That you could not see?—(A.) No. (Q.) What happened to the boat?—(A.) The bow end of it went down into the water and the after end had to be cut away. (Q.) The after falls were cut away by a man in the boat?—(A.) Yes. (Q.) Then what happened to the boat?—(A.) She filled immediately. (Q.) What made her fill. Did she take a sea on board?—(A.) Yes, the bow end was in the water, and immediately she was let go she scooped it up."

Mr. Branson: That agrees with the evidence of Lieutenant Commander Heathcote.

The Commissioner: At all events, that witness attributes the immediate cause of the upsetting of the boat to the sea.

Mr. Butler Aspinall: Yes, he does. The real cause of the trouble was this bother with regard to the fall jamming, I admit; but what I have been seeking to do in my address is to ascertain what the facts are, and then after that to ascertain whether blame should or should not be attributed to those responsible for the management of the boats, and I think one is able, by looking into this evidence with care, to ascertain fairly well what are the facts in connection with the disasters to these boats.

The next boat to which I was directing your Lordship's attention was boat No. 6, and a gentleman who gave very valuable evidence with regard to that boat was young Mr. Parker. He was a second lieutenant, a young officer who was a passenger on the "Falaba." He says he got into No. 6 boat which sank, but he luckily was picked up and saved. He told us he was a passenger, and he heard "All hands on deck." He went downstairs to his cabin and got a lifebelt and put it on, and he saw No. 1 boat lowered. He heard the roar of the ropes. He said that it seemed to go by the bow first, and it capsized, as we all know.

Then at question 1681 he was asked "Having seen that" (that was the accident to boat No. 1), "what was the next thing you did?—(A.) I went across and stood opposite No. 6 boat. (Q.) Were people getting in when you got there?—(A.) People were getting into No. 4 boat. There was a ship's officer at No. 4, which was being lowered, and he came up to us and said 'Stand by No. 6 and let as many as can get into her.' (Q.) Do you know which officer it was?—(A.) No. (Q.) Did you get in?—(A.) I got in; yes. (Q.) How many got into that boat?—(A.) About 40. (Q.) Was that lowered away all right?—(A.) After we got to the level of the saloon deck in that boat, the officer who was lowering at one end went away and handed it over to a passenger; and at the other end there was another passenger lowering, and he had to get out of the boat in order to lower it. We were lowered by two passengers, and at times one end of the boat was a good deal higher than the other. (Q.) Did the passenger who lowered come down the falls into the boat?—(A.) No. (Q.) What did you do, having got to the water?—(A.) We tried to get the oars out, but it was too crowded and we dashed up against the 'Falaba'; and also on No. 4, they pushed their boat off, against us, and pushed us against the 'Falaba.' (Q.) Was it the swell which caused you to collide, or what was it?—(A.) No. 4 was drifting with the wind towards the forward part of the 'Falaba,' and as we came down she got near where we hit the water. (Q.) Were they rowing in No. 4?—(A.) They had just got the oars out. (Q.) The boat cleared?—(A.) Yes. (Q.) Then what happened?—(A.) We managed to get one oar out and pushed off from the 'Falaba.' We then got two more out. There were only three in the boat, and then I heard someone say, 'My God there is no plug in this boat,' and someone said 'Stuff your handkerchief in.' By that time the water was up to your shins." Then "Did someone stick in a handkerchief?—(A.) Yes, but it did not seem much good. Then we found a bucket, but we could not get the free use of it." Then at question 1694 "Did any seas come aboard?—(A.) Yes. (Q.) Was she broadside on when the seas came over?—(A.) Sometimes. When we tried to change our oars we got broadside on and shipped a tremendous lot of water and we sank about five minutes afterwards."

So that, told quite shortly, the disaster to that boat was this: She was lowered safely to the water; after she got down to the water there were a very large number of people in her, she unfortunately was dashed against the "Falaba," also had a collision with No. 4 boat, and it is highly probable that she sustained some structural damage, and that is the probable explanation of how at once almost they found a good deal of water in her; and when one remembers that, according to the evidence of this gentleman, she got broadside on to the sea and shipped a tremendous lot of water, one can well understand that that again was an accident due to the perils of the sea—it was nobody's fault. She was lowered properly into the water, and having got into the water she dashes against the side of the "Falaba"; she then gets into the trough of the sea, ships a good deal of water, and capsizes; the people are thrown out, and many of them are drowned.

No. 7, the next boat, was the gig. She was lowered safely into the water, and got away and saved life.

No. 8 was the boat which met her doom in consequence of the torpedo.

That I think, my Lord, summarizes the history of the various boats, and my submission to your Lordship is that it would not be right to say that there was any such mismanagement, on the part of the crew, of those boats as would justify the tribunal in coming to the conclusion that there was any negligence in the way these boats were dealt with. It is quite unnecessary that I should repeat what I have already said with regard to the abnormal and trying and difficult circumstances under which these people were called upon to deal with these boats.

Then as to the point made by the passengers that there was negligence with regard to lowering the boats, I am reminded by Mr. Maxwell that I have omitted to deal with the passengers' point, No. 3, that there was a lack of guidance. I had omitted that, but I cannot do better than repeat with regard

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to that what Mr. Holmes said. He called your Lordship's attention in a general way to what was done, and the fact remains that, whatever may have happened to the boats, a very large number of passengers were at once found at the boats on the boat deck or the saloon deck, practically all with their lifejackets on; and very nearly all of them in this very short space of time that was available were in fact got into the boats. Unfortunately, disaster overcame some of the boats after the passengers got in, and hence the unhappy loss of life.

The next point which it is necessary for me to deal with is this. It was alleged by Lieutenant Grant and Captain Harrison, and I am sorry to say persisted in, that there was misconduct on the part of those in charge of boat No. 4 in refusing assistance to persons struggling in the water. Again, I have no doubt, that that is the mental impression which these two gentlemen have with regard to the conduct of those in boat No. 4. Of course it is a grave and it is a very serious charge and a charge which, one appreciates, ought not to be made unless one has a very strong feeling about it and unless one thinks one really has got all the facts accurately with regard to it. Of course, I assume that Captain Harrison and Mr. Grant think they have. But with respect and with submission to them I submit the evidence here is overwhelming, not only from the crew but from the passengers, that that boat was so full that it was quite impossible for them to render any assistance to those people swimming in the water. There were three gentlemen called who saw the incident which Captain Harrison and Mr. Grant spoke to, namely, the two Mr. Ryders and Mr. Chiswell, and they said that they made no charge; that they fully appreciated, under the circumstances, that the boat was full; and that it was quite impossible for her to render any assistance. My Lord, I think it is quite unnecessary that I should take up your Lordship's time by dwelling upon that topic.

Another point that was made by the passengers was this, and again it is a short point and only made by one gentleman, who, having given his evidence, asked that he might give further evidence after the interval. He said he conceived that there was misconduct on the part of the boats in not returning to the "Falaba" after the passengers saved had been put on the trawlers. The answer to that is that the trawlers were upon the spot—certainly one of them—doing their best and in fact saving a very large number of people; and there is also some evidence that some of the boats also did the same.

The Commissioner: There was only one trawler there I think at the time.

Mr. Butler Aspinall: Only one, but there she was on the spot; and again I submit it is a charge only made by one gentleman—made upon reflection. He had an opportunity of giving his evidence which he did without making the point, but he came back and made it afterwards; but I submit there is no substance in the charge.

With regard to life jackets and tapes, that was hardly a charge, but certain evidence was given, I think, that in one case there was a life jacket lacking, and in two cases there were tapes missing from the life jackets which were proposed to be used. One can well understand that in the circumstances of this case it may well be that somebody may have got into someone else's cabin and taken away a life jacket; it might well be that someone in the hurry and confusion may have torn away the tapes in attempting to put a life jacket on; but I think I am right in saying that at the most there was only one case in which a life jacket was wanting, and in two cases tapes were missing.

My Lord I submit I have now been through the whole of the charges which have been made against those responsible for the navigation and management of this ship, and also for the equipment of the ship, and when this matter is looked at from the point of view of evidence, which is the thing that will weigh with the tribunal, the evidence I submit is overwhelming that she was a good ship, that she was fitted and provided with good and adequate life-saving appliances. I also submit that, in view of the exceedingly trying circumstances under which this operation

of attempting to save life was being carried out, there was no lapse of duty on the part of those who were engaged in this trying operation. I submit the master in this case did his duty, that the officers did their duty, and that the crew did their duty.

Mr. Branson: If your Lordship pleases I should like to be in the position of Mr. Cotter and have your Lordship's compliments and thanks without wearying the court with detail; but being in the position I am in, I feel I ought to direct your Lordship's attention to the evidence as bearing on the question before the Court; and what I propose to do, with your Lordship's permission, is to take the various questions and refer your Lordship to the material parts as bearing upon those questions. If your Lordship thinks that would be the most convenient way of dealing with the matter I am prepared to do it or otherwise to depart from it.

The Commissioner: You had better follow what you think the better plan.

Mr. Branson: If your Lordship pleases. Then the first question, as your Lordship sees, is "When the s.s. 'Falaba' left Liverpool on the 27th March last?—(1.) What was the total number of persons employed in any capacity on board her, and what were their respective ratings?"—That your Lordship will find in the list placed before your Lordship, supported by the evidence on page 14, and I will just summarise it for your Lordship's convenience by pointing out what it is. It is this. The total crew was 95; there was a master and 4 deck officers; there were 12 deck hands; there were 6 engineers—the chief and 5 other engineers; the rest of the crew would be firemen, stewards, and crew stewards. That gives your Lordship the material for the purpose of answering that question. Then "What was the total number of her passengers, distinguishing sexes and classes and discriminating between adults and children, and giving their respective nationalities." That your Lordship has in the particulars in the list I handed in, proved by Mr. Baxter, the chief officer. It shows there were 147 passengers all told, made up of 85 males, 7 females, first class, 55 males, second class. All were British except 3—one Greek, one Dane, and one American. The next question is "Before leaving Liverpool on the 27th March last did the 'Falaba' comply with the requirements of the Merchant Shipping Acts, 1894 to 1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of passenger steamers?" The evidence there is the evidence of Mr. Miller, at page 5, question 17 and following questions, which show that she did comply when he made his survey in December, and that is supported by the evidence of Captain Thompson, at question 568, which shows that her condition was the same when she left Liverpool.

The next question is: "Was the 'Falaba' sufficiently officered and manned?" That is a question for the Court. I have given your Lordship the answers. This vessel would satisfy the requirements *qua* officers with one officer less, and I do not think any question will arise upon that; but that is purely a question for the gentlemen advising your Lordship.

The next question is 4 (a): "What was the number of boats of any kind on board the s.s. 'Falaba'?" Your Lordship has the evidence as to that, and I do not think I need dwell any further upon it. Then "(b) Were the arrangements for manning and launching the boats on board the 'Falaba' in case of emergency proper and sufficient." The evidence upon that is supplied by Mr. Miller at questions 29 and 30, and in the evidence of Captain Thompson dealing with the lowering apparatus, which was all right at the time of her departure from Liverpool on this disastrous voyage.

The question as to whether proper arrangements were made for the manning is a question for the Court.

Then "What was the carrying capacity of the respective boats?" Your Lordship will find at question 25 the total carrying capacity was 282 people; and question 42 shows that the respective capacities of the boats were: No. 1 boat 49 persons; No. 2 boat, 50; No. 3 boat, 49; No. 4 boat, 49; No. 5 boat, 29; No. 6 boat, 28; and No. 8, 28; making a total of 282. The gig, as your Lordship will remember, did not comply with the rules as to life appliances, and

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therefore was not included; so that, excluding the gig, there was capacity for 282 people; including the gig, which did in fact save a number of lives, variously stated as between 20 and 25, there would therefore be accommodation for over 300 people.

Then "(d) Had a boat drill been held on board before the boat left Liverpool, and if so, when?" I need not refer your Lordship to the evidence there, because it is all to the effect that no boat drill had been held.

"(5) What number of life-jackets for adults and children and life-buoys did the vessel carry? Where were they kept, and were they fit and ready for use when the vessel left Liverpool?" The evidence there is given again by Mr. Miller and Captain Thompson, and it is quite clear that she had ample life-belts. When she was surveyed by the Board of Trade Inspector she had 301 life-belts for 282 adults and 19 children. Question 573, however, shows that besides those life-belts there were on board additional life-belts, bringing the number up to nearly 400, two boxes containing 50 each being on the boat deck. That deals, I think, with the whole of Question 5. I should say the evidence shows that there were two boxes on the boat deck with 50 in each, and the evidence of many of the witnesses goes to show that life-belts were in the cabins in accordance with their accommodation.

The Commissioner: There is one bit of evidence that in one cabin there were only two lifebelts for three people.

Mr. Branson: Yes; that was so; but I think the witness was not sure whether one person had not been and taken his lifebelt away.

Then Question 6: "Were any, and if so, how many, and which of the boats carried swung outboard on leaving Liverpool?" Your Lordship has the evidence that 1, 2, 3 and 4, 7 and the gig were swung out (at Question 278) before the Liverpool pilot left the ship on Saturday evening.

Then Question 7: "At what time on the 28th March last was the German submarine first sighted by those on board the 'Falaba,' and what were the approximate positions of the two vessels at that time?" My Lord, the evidence there is—and possibly having regard to the clocks your Lordship would be inclined to take the deck clock—spoken to by the chief officer, and I think it probably is the most reliable evidence. Question 108 shows that at 11.40 a.m.

The Commissioner: When a question of that kind is asked—"At what time?" What does the questioner mean by "time." Does he mean Greenwich time?

Mr. Branson: I am partly responsible for the drafting of the question, and I intended ship's time. I think, generally, when you ask a witness in a Court of Inquiry "what time," you do not have regard to Greenwich time or Paris time, but ship's time—the clock on the ship.

The Commissioner: You see, ship's time is continually changing.

Mr. Branson: Yes. However, my Lord, the evidence is, according to the chief officer, who would probably be in as good a position as anybody to know, that it was 11.40 a.m.; and the approximate position of the vessels your Lordship has; it is contained in the wireless message sent to Land's End Station, which, approximately, I submit, shows that the "Falaba" would be about 50 to 60 miles to the westward of St. Anne's Head.

The Commissioner: She was about 50 to 60 miles. I understand, from the nearest land?

Mr. Branson: Yes, my Lord, and the approximate position of the two vessels your Lordship has evidence upon. I think the best evidence on that is given by Mr. Hermon Hodge at Question 711. There he says he saw the submarine three miles away, and the bearing is given by the chief officer as about two miles abaft the starboard beam. Other witnesses give about three miles.

Then the next question is "Were any other vessels in sight at this time, and if so what were they, and what were their relative positions as regards the

s.s. 'Falaba' and the German submarine." I have searched the evidence carefully on that point in order to give your Lordship material for approaching the question, and again the best evidence I can find is Mr. Hodge's evidence. If your Lordship will look at Question 711, what he says there is this: "There was a trawler. (Q.) How far off was that?—(A.) When I first saw the submarine the trawler was following. I should think it was about—I should not like to say, I am not an expert—but I should think about 3 miles, perhaps, from the submarine." So he gives you the submarine and the trawler following the submarine at about three miles behind. My Lord, the only other evidence upon this point is first of all the evidence of the "Eileen Emma." Witnesses were examined yesterday who told your Lordship his position and from his position it is obvious that he must have been in sight if he was anything like as close as 300 yards. Possibly that evidence is not consistent with Mr. Hermon Hodge's evidence, because he stated that having regard to the reflective spots that have been spoken to of the submarine and the trawler, if Mr. Hermon Hodge saw what he says he saw, then it is obvious that the "Eileen Emma" could not have been so close as 300 yards from the "Falaba" at the time the torpedo was fired; she could not have got there in time. Although no one on the ship speaks precisely to seeing anything, I submit that the fact that the master was signalling by whistle shows that there was at least one, if not two of these steam drifters in sight, but the only direct evidence of any steam drifter being in sight is the evidence which I have pointed out to your Lordship and which seems to indicate what I have just mentioned. I am corrected, and rightly corrected by my learned friend, Mr. Branson, who points out that there is another piece of evidence corroborative of Mr. Hermon Hodge at Question 804 in answer to your Lordship. As a matter of fact your Lordship suggested that he might give his evidence in his own way, and he says: "My first view of the submarine was that I was sitting with Captain Goulden, who was an old friend of mine, and I looked out of the smoke-room window, and I saw about two miles away as far as I should estimate, a trawler or a drifter, and she had apparently one of these brown tan sails up and just in front of her I saw another something; I could hardly make out what it was"—and then he goes on to describe it.

The Commissioner: Where is that?

Mr. Dan Stephens: At page 20, Question 804, my Lord.

The Commissioner: "I made a mental note of this thing."

Mr. Dan Stephens: Yes, and afterwards he deals with the submarine. That, my Lord, is as far as I know the evidence on Question 7. Then, my Lord, Question 8 is: "What flag or flags were being displayed by the 'Falaba' at the time the German submarine was first sighted and thereafter?" My Lord, the evidence is all one way: that she was flying no flag.

Question 9 is: "What flag or flags (if any) were displayed or shown by the German submarine (a) at the time she was first sighted; (b) at any time thereafter? Did the German submarine carry any distinguishing number or marks by which her identity could be established?" My Lord, the evidence upon that is very conflicting, but the evidence at questions 126 to 132, which is supported by the wording of the first wireless message sent, shows that she at first was made out to be carrying a British ensign, and that subsequently there was a change when she got nearer, and a German ensign was shown. I do not think that is an extraordinary fact in view of the way that these hostilities have been carried on. Your Lordship has what the witnesses say they saw; the master and the chief officer standing on the bridge with a telescope trying to make out whether this was a British or a German submarine, make out the British ensign, and the chief officer told your Lordship when you asked him: "Did you think it was a British submarine?" No, he did not; they were running away from it. However, the evidence is very conflicting upon it, and I have referred your

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Lordship to the evidence of the men on the bridge who were specially watching.

The Commissioner: They evidently thought it was an enemy submarine.

Mr. Dan Stephens: Clearly; they turned round and ran away. I do not know that it is very material to this Inquiry what flag she was flying. She did not deceive those on board the "Falaba," because they had set to work as quickly as they could. Then with regard to (b), the evidence your Lordship will find at questions 141 and 157, two code signals: one, "Stop and abandon ship." 2, "Stop, or I will fire into you." Those were the only signals, and there is a lot of evidence—it is all one way—that she carried no distinguishing marks identifying her at all.

Then, my Lord, question 10 is "What signals were made by the German submarine? At what times were they made? Was any answer made by the s.s. 'Falaba' to such signals?" My Lord, with reference to that again, the evidence is very very conflicting upon it; I take signals there to mean signals either by flags or otherwise. The evidence is that she made those code signals by flags; that is quite clear. Then there is a body of evidence which indicates that there was hailing from the submarine, but, unfortunately, nobody heard the whole of the hailing. It was in English. One witness, Mr. Bathgate, at question 865, heard "five minutes." Mr. Emery, at question 1966, heard "Sink the ship," but I do not think there can be any doubt upon the evidence that the hail that came was to the effect that in five minutes they were going to sink the ship. I say that because the evidence before your Lordship shows that very shortly after this shout the vessel was torpedoed.

The Commissioner: I am referred to page 37, Question 1556, "What hail did you hear?"—this is the evidence of Robert Primrose—"I heard through a megaphone, 'Take to your boats. We are going to sink your ship.'"

Mr. Dan Stephens: Yes, my Lord, I overlooked that in going through the evidence last night. I am obliged to your Lordship. That is all part and parcel of the general shout as one might imagine which came from the boat. I am referred by my learned friend, Mr. Branson, to witness, Robert Harrison, at Question 3189.

The Commissioner: That was yesterday.

Mr. Dan Stephens: Yes, my Lord, the third day. I had not a print of this evidence last night, so that must be my justification for overlooking it; it escaped by memory. But this witness was asked: "After that did you hear or know of any signal that you received. (A.) Yes, the submarine sent up three flag signals. The first one was 'Stop immediately.' They hauled that down and put another one up, 'Stop, or I will fire.' and the captain consulted the chief officer, and the chief officer said the passengers are crowding the decks, so we had better stop the ship before they shell it, and they sent up another signal after that, 'Abandon ship immediately.'"

The Commissioner: What number is that?

Mr. Dan Stephens: That is Question 3189, all in one answer to the question on page 74. That is the evidence now before your Lordship upon that question.

Then, my Lord, Question 11 is, "At what time were the engines of the 'Falaba' stopped?" Now, my Lord, I have taken here the evidence of the chief officer. He says, at Question 218, "About 12.4 or 12.5 p.m." Your Lordship will remember that the chief officer's deck clocks were altered sometime between 8 and 9 in the morning, but the engineers time had not come. Noon was the usual time for them to ring the telegraph to the engine room to make their clock synchronise with the deck clock, and they had not done it; and the Marconi clock had not been touched at all since the vessel left Liverpool. The chief officer had put its own clocks, the deck clocks, back 35 minutes. Your Lordship remembers that. So that I have, therefore, taken the chief officer's clock, the deck clock, for the purpose of seeing what time the engines were stopped.

The Commissioner: That would be the real time of the day.

Mr. Dan Stephens: Yes. The real time of the day. Then Question 12 is: "How near to the 'Falaba' did the German submarine approach?" The evidence there, my Lord, at Question 156 is very close, but many of the witnesses speak—they all speak—to the distance between 50 and 100 yards as being the closest range she kept." Then the question goes on: "Were any verbal directions or messages given by anyone on board her to the 'Falaba'? If so, what were they? In what language were they given? At what time were they given? What answer (if any) was made to anyone on board the 'Falaba'?" I have referred your Lordship to the evidence as to what hails were made. The time would appear to be very shortly before the time I have given your Lordship, and there was no answer from the "Falaba" as far as I have been able to make out.

The Commissioner: I am referred to Question 314: "Did you hear what the master said in reply?—(A.) Yes; he said 'All right, we are taking to the boats now.' This is the end of William Guy's evidence: "Can you give a time when that statement was made?—(A.) It would be as near as I could say about two or three minutes to 12, but I cannot be accurate. (Q.) Did you go and give the chief steward the order?—(A.) Yes." That is part of the evidence that was referred to by my learned friend Mr. Aspinall.

Mr. Dan Stephens: Yes, my Lord. Those on the German submarine knew that the master was upon that going to take to the boats as soon as he could.

Then the next question, my Lord, is Question 13. "What orders (if any) were given by the master of the "Falaba" after sighting the German submarine as to sending out wireless messages from his vessel? What wireless messages were in fact sent out from the "Falaba," and at what times were they sent out?" That your Lordship will find in the evidence of the Marconi operator who was called before you yesterday. With regard to the times, I think if one deducts 35 minutes from the times they will become approximately correct.

The Commissioner: I am in some confusion about these times because I never know what the questioner means when he says "what time." Does he mean are we to try and synchronise all the times that are given to us? Nine-tenths of them, in my opinion, are worth nothing at all. I mean when a man says something took place at about 12 o'clock, it gives you no information. It means it was not at one o'clock; it means it was not at eleven o'clock, but what it means exactly it is quite impossible to say.

Mr. Dan Stephens: Personally, if I may say so, I cannot see the materiality of what time these messages were sent out.

The Commissioner: I do not think it matters very much.

Mr. Dan Stephens: No, my Lord.

Then question 14 is: "Was the 'Falaba' sunk by a torpedo fired by a German submarine?" That question is easily answered, and it is to be observed that when it was fired it was fired effectively. It was fired to a part of the ship which left no doubt whatever that the ship must sink quickly; there can be no doubt upon the evidence that the torpedo was fired to strike the bulkhead between the after end of the engine room and the after hold.

The Commissioner: Do you suggest that the firing was made with reference to a bulkhead at all?

Mr. Dan Stephens: I think so. I think the firing was made in order to sink the ship.

The Commissioner: I had no idea where the bulkheads were.

Mr. Dan Stephens: This is a question for your Nautical Assessors. They would see the engine room, and I submit to your Lordship that any nautical man seeing the engine room and the engine-room skylight and the funnel would know that at a certain place abaft that there is a vital bulkhead dividing a section of the ship. If the torpedo struck anywhere near that bulkhead it would mean that water would get into two very large compartments of the vessel, which would cause it to founder much more quickly than if only one part of the vessel was holed. That is purely a question for the Court, but that is how it strikes me with my limited knowledge of these things, and I put it before your Lordship.

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MR. DAN STEPHENS.

[Continued.]

Then question 15 is: "At what time and from what distance away was the torpedo fired by the German submarine?" My Lord, the time is given by the chief officer at about 12.10 at question 219.

The Commissioner: What time is that again?

Mr. Dan Stephens: Well, I am not quite sure whether it is his deck time. He gives it as his time. I think it is deck time. He says "deck time." I think that agrees with some of the evidence, although many of the other witnesses—I do not know whether they were looking at their watches or what they were looking at—put it at a little later, but I only emphasize the fact. Later I am going to suggest to your Lordship that a very short time, whatever it may have been, was given from the time that those on the submarine hailed: "We are going to sink your ship," and I only call your Lordship's attention to the fact for that purpose. The chief officer says: "About 12.10." He uses the word "about" of course; and the others put it a little later. The evidence is that the submarine was about 100 yards from the starboard side of the ship. There are several passages in the evidence to that effect.

Then, my Lord, the next part of Question 15 is: "At the time the torpedo was fired had all the crew and passengers of the 'Falaba' left the ship in the boats? Were those on board the German submarine in a position to see clearly the position of affairs on board the 'Falaba' at the time the torpedo was fired? What other ships (if any) were in the vicinity of the 'Falaba' at the time the torpedo was fired?" My Lord, clearly the evidence is that all the passengers and crew had not left the ship. Your Lordship has been referred to the evidence, but it is quite clear that No. 8 boat was in the davits loaded with passengers, and it is equally clear from the evidence that there were some of the crew on the poop; and on the boat deck or the bridge there were the master, one of the officers, and some of the passengers. It is variously stated at some figure between 10 and 16 as the number still on the vessel; and the officer who was called yesterday graphically described how he walked into the water as the vessel heeled over. So that deals with the passengers and crew left in the ship's boats. My Lord, I have not dealt with boat No. 5, but I shall deal with it afterwards. It is quite sufficient to tell your Lordship that with regard to No. 8 the evidence is quite clear and uncontradicted that No. 8 was in the davits, and the evidence is also quite clear that the German submarine was away on the starboard side in a position to see exactly what was taking place on the starboard side of that ship. I have referred your Lordship to the evidence showing what other ships were in the vicinity at the time the torpedo was fired. Your Lordship will remember that two masters of steam drifters were called and they told you that they were so far off that all that they saw was smoke.

Then, my Lord, Question 16 is "Where did the torpedo strike the 'Falaba'? When it exploded what was the result (a) to the ship, (b) to any of her boats which were being or about to be lowered, (c) to any passengers and crew then in the boats or in the water near the ship or on the ship?" With regard to Question 16; I think with the exception of one witness, to whose evidence your Lordship called attention yesterday, the evidence was all one way, that this vessel was struck just forward of No. 1—between No. 1 and No. 2. "What was the result?" I need not refer your Lordship to that, because you have the evidence. She heeled over, and as the "Falaba" heeled over it made a huge hole in her side, and one of the boats, No. 8, clearly (No. 5 is in dispute) was affected by the explosion, and dropped with her cargo full of life into the water as a consequence of the explosion. As to what the effect was upon any passengers or crew then in the boats or in the water, no one can say. The evidence is that at the time the torpedo was fired there was a large number of persons in the water. Your Lordship will be advised as to the explosive effect of a torpedo of that description. It seems to do immense damage even to the strongest ships of war, and what effect it would have upon people struggling in the water I do not know and I cannot assist your Lordship. There is a piece of evidence, though that was given

yesterday by the third officer, who said that he saw a large number of persons after the torpedo had been fired apparently dead, although they had life-belts on, and it is obvious I should have thought that if a torpedo was fired whilst people are in such close proximity to the explosion it must have killed some of these poor people who were struggling there.

Then, my Lord, Question 17 is: "For how long after firing the torpedo did the German submarine remain in the vicinity of the 'Falaba'? Did those on board her make any effort to render assistance in saving life? If not, could they have done so?" Upon that the evidence seems to be that the German submarine left as the "Falaba" was settling down—I mean left in the sense that she disappeared altogether and was no longer seen. She had changed her position but she had left at that time. "Your Lordship has the evidence before you that no effort was made to render assistance, and it is for those advising your Lordship to say whether they could have rendered any effective assistance, and how."

Then, my Lord, Question 18 is: "For how long after being struck by the torpedo did the 'Falaba' remain afloat?" The chief officer again, who probably is the best man to tell your Lordship and to give any information upon this point, at Question 216 says: "Eight minutes."

Then, my Lord, Question 19 is: "When were orders given by the master of the 'Falaba' to get out the boats and leave the ship? Were such orders promptly carried out and was proper discipline maintained? Were the boats swung out, filled, lowered, or otherwise put into the water and got away under proper superintendence?" Your Lordship has been referred by Mr. Aspinall, and I am not going to refer to them again, to the orders given by the master. There is only one passage which I think he did not refer to which amplifies that, and that is a passage in question 154 of the chief officer's evidence where he was asked, "When you got the order 'stop and abandon ship,' were any instructions given to the officers, or crew, or passengers?"—(A.) Yes, I informed the chief steward, also the second steward, and one of the other stewards, to call all the passengers and put the lifebelts on and assemble on the boat deck. (Q.) Did you see them doing it?—(A.) No. I could not see from the top bridge." So that only carries it a little further than the evidence which your Lordship has already had your attention directed to as to what was done. "Were such orders promptly carried out, and was proper discipline maintained? Were the boats swung out filled, lowered, or otherwise put into the water and got away under proper superintendence?" Now, my Lord, this is the great issue raised by the evidence. When I say issue, it is a question upon which there is a large amount of evidence before your Lordship. I was very glad to hear my learned friend, Mr. Aspinall, say, as I expected him to say, that he made no reflection whatever upon the passengers who had given evidence of the impression they had formed of what happened, because your Lordship has seen them, and it is obvious that they are men who are telling your Lordship to the best of their ability what occurred. They were placed in very trying circumstances and they speak to many facts which would seem to show that these boats were not in the condition in which they ought to have been, but it is to be remembered that when persons are describing what happened in such circumstances as these, they are liable to fasten their minds upon a particular thing they know and quite honestly and quite fairly work from it under the stress that they are, and assume some things which are not quite accurate. Now, your Lordship has a very large body of evidence showing that these boats were examined by a responsible surveyor, showing that the boats which have been recovered were in good condition and also the evidence from the ship showing that the boats were in good condition and in proper and seaworthy condition for the saving of life. Now, my Lord, the passengers' evidence is consistent with two things. This is what I suggest to your Lordship; it is for those advising your Lordship to say whether there is anything in it or not. It is consistent with the boats being unseaworthy in the sense that they leaked and took in water from inherent vices as I will call it, or defects, but it is also consistent with the boats having dropped

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MR. DAN STEPHENS.

[Continued.]

as they did, some of them into the water and sustained damage on their fall by striking the ship, or sustained damage by striking the water. What all passengers speak to is consistent with that; and when you have the passengers' evidence pointing to a condition of things which is consistent with two alternatives and one alternative is again consistent with the evidence that the boats were in sound condition, then I suggest to your Lordship that the passengers' evidence can be accepted in its entirety, and yet it does not when examined carefully, coupled with the evidence given on board the "Falaba." There is this point to support that suggestion to your Lordship. You remember that the suggestion was that these boats were defective, "rotten," I think was the word used, whatever was intended by that, the evidence was or the explanation was that these boats were old boats, and had been subjected to the Tropics for some considerable time and undergoing the changes of heat and cold that they had to undergo, they had suffered and so had become unseaworthy. I might call your Lordship's attention to this. The four oldest boats in the ship are Nos. 1, 2, 3, and 4; they were built in 1906. Two of those boats were got away safely; No. 4 and No. 3 carried their full complement of lives and reached the steam drifters that came up afterwards, and with regard to No. 4 the evidence also is that she was in charge of the chief engineer and was subsequently rowed to pick up other people in the water. Therefore you have two of these boats which have been subjected to exactly the same conditions as the other two, floating, doing their work efficiently and the other two not. The other two, it is quite clear, whatever was the cause, had accidents to them, and that seems, I submit to the Court, is quite consistent, when you examine the facts in that way for these boats to have been in the condition that they were, making water when these people were in them, or were damaged in some way by reason of the accident and not by reason of their state. Your Lordship has the evidence, only on behalf of the Board of Trade, I thought I would put before your Lordship these considerations dealing with the boats.

Now, my Lord, as to what happened to the boats, I think the list prepared by us on the first day has practically and substantially been borne out by the evidence. Your Lordship remembers you asked us to prepare a list, and we did prepare a list, on the proofs of witnesses, and I submit that practically they are borne out by the evidence.

The Commissioner: Where is that list?

Mr. Dan Stephens: I handed a copy to your Lordship, and I will hand in another if one copy will do.

(Handing in same.)

The Commissioner: Yes, one copy.

Mr. Dan Stephens: I have some other copies here if your Lordship would like to have them for other members of the Court.

The Commissioner: I have one; that is quite enough.

Mr. Dan Stephens: Now, my Lord, I say "practically," because your Lordship will see that in that list with regard to boat No. 5 we say "Capsized while being lowered—suggested that this was due to shock of torpedo." That was in our minds by reason of the fact that I think there were two witnesses who suggested that. Now your Lordship has the evidence and it is for you to say whether the graphic evidence given by the second engineer, Lieut. Commander Heathcote, which your Lordship has been referred to at Question 2392 and Question 1628, supported by Mr. Robert Harrison, the quartermaster's evidence to which your Lordship has not been referred, and which you will find on page 74 of yesterday's evidence, Question 3294, he went with his mate (he is the quartermaster) to attend to No. 5 boat, and he speaks to lowering the boat so far and then being called away by the master to go on to the poop. I think the inference is that that was to attend to the last lady who had been found, and the master was anxious to get her into a boat, but that is the evidence, and it depends upon whether your Lordship prefers the graphic details given by those witnesses on the evidence to which you have been referred of the steam drifter "Eileen Emma," supported by

Mr. Emery, I think it was his evidence, but that is for your Lordship. Apart from that I submit to your Lordship that that list is substantially correct. Now, my Lord, that being so, whilst I am upon this question, it results that your Lordship sees there are boats 1, 2, and 5 which capsized—capsized in the sense, I mean, that they did not go down into the water properly. Instead of going down level, they tilted, one end going down into the water before the other. I need not deal with the other boats, Nos. 3, 4, and 7; they got away safely, and with regard to No. 8 the evidence is quite clear. Upon four of the boats the evidence is quite as clear, fortunately, as one ever gets it in any of these inquiries; but I submit to your Lordship the evidence shows that boats Nos. 1, 2, and 5 capsized during the operation of lowering. Your Lordship has the evidence upon how that happened, it is conflicting too, but you will bear in mind when examining it that what was happening here was an intimation from the submarine to quit the ship within a short time. My Lord, I have been reminded that the time between stopping the engines and the torpedoing cannot have been much more than 10 minutes.

The Commissioner: It was about 10 minutes.

Mr. Dan Stephens: Yes, about 10 minutes; but that is a question for your Lordship's nautical advisers. From the time they stopped the engines until the time they could safely lower a boat some appreciable time must have passed. I mean, my Lord, they could not have the whole 10 minutes for lowering the boats into the water it is quite clear, because otherwise we should have had the "Oceana" fiasco over again, lowering boats whilst endeavouring to get them out quickly.

The Commissioner: How long did it take this vessel to come to a stop.

Mr. Dan Stephens: Would your Lordship take my answer as what I will call an Admiralty answer, and not a nautical one. I should say about five or six minutes.

The Commissioner: Therefore, after the engines had stopped she had been moving in the water five or six minutes.

Mr. Dan Stephens: Yes. Of course I say it with great diffidence to your Lordship, but I should say at least five or six minutes. I mean to say that, whether I am right or whether I am wrong, the time that they could actually be carrying out the work required, namely, putting the boats down safely in the water, must have been very limited, and, therefore, in examining what was done, one has always to bear that fact in one's mind.

My Lord, speaking on behalf of the Board of Trade, I think it is a pity that there were not what I will call boat lists for the officers and crew. The practice is apparently to prepare the lists after they have got the names of the crew, after the crew are on board, and it is an excellent practice.

The Commissioner: You see a good many of the crew on board this vessel would know their boats.

Mr. Dan Stephens: Yes, that is so; but it is an unfortunate circumstance, and it is one of the circumstances in the case, that there were 43 old hands amongst the 95, and it may be that your Lordship may be advised there is nothing in it, but it does seem that in these abnormal times it would be as well, before a passenger ship leaves a port, and even before the crew are ascertained, to have in the cabins occupied by the various officers a notice in emergency "Your boat is No. so and so," and in the berths of the various crews a notice to the same effect. There may be nothing in it. I just put it before your Lordship. Upon the other question about passenger's lists there is an obvious difficulty there, and I need not repeat what the ex Solicitor-General stated to your Lordship in opening, upon that point. It seems to me it would be a rather dangerous, certainly a doubtfully safe practice, to have these lists prepared, because as my learned friend, Mr. Aspinall pointed out, supposing in a case of this kind a torpedo had been fired and brought down two of these boats, and damaged them beyond repair before anybody knew it, then you would have a rush for those two boats, to the remaining good boats,

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[Continued.]

and it is a much better practice I suggest to the Court, that the officers and crew should be each allotted their stations and for them to take control of the passengers and lead them to their boats. That is all I wish to say to your Lordship upon that part of the case.

Now, my Lord, with regard to the discipline, your Lordship has the evidence and all I can say is that the master clearly did his duty, and the second officer, who has gone, clearly did his duty. Your Lordship has the evidence about what they did. The master went down with his ship, and standing on the bridge was the last place he was seen, and I think when one says that one says more than all. The other officers all appear to have done their best in very trying circumstances; it is not a normal case at all. One knows what the perils of the sea are, and one knows what the ordinary dangers of navigation are, but in the case of this merchant ship—I believe I am right in saying it was the first passenger merchant ship that has been torpedoed—to receive the notice "Abandon ship; we are going to sink you in five minutes," the circumstance is appalling. Even on the best manned ship one would not be surprised under those circumstances if things went wrong. My Lord, here I come at once, and I may deal with it at once, to Question 24, because it deals with part of this matter. Your Lordship sees the question is "What was the cause of the loss of the s.s. 'Falaba' and the loss of life? Unquestionably the torpedo. I say unquestionably because whichever way you look at this, I submit to your Lordship that the torpedo clearly sank the "Falaba." The torpedo must have destroyed some lives in its explosion, upon the evidence before your Lordship. The torpedo, I submit to your Lordship, also caused what was indirectly the cause of whatever little mistakes I will call them in the circumstances, which occurred in handling the boats. That is the suggestion I make to your Lordship after the evidence.

Now, my Lord, I think there are only one or two other questions to deal with, Question 21, has been fully dealt with.

The Commissioner: That you have been through already.

Mr. Dan Stephens: Yes, my Lord. Question 22, I think, also has been fully dealt with, and Question 23 is answered by the list which I handed in to your Lordship. I have the particulars I can give your Lordship if you want them in a condensed form, but they are in the list. Ninety saved of the crew, 54 British lost, three foreign lost, and with regard to the rest of the particulars the answer to that question your Lordship will find in the summing up.

I come now to Question 25. That is purely a question for your Lordship, and for you to say whether there was any blame in any respect with regard to these matters; and finally, before I sit down, may I say that we have done our best in this case, my learned friends and myself, to condense the evidence as far as we possibly could, having regard to the serious questions in the case. I am afraid our efforts have not been successful, and possibly your Lordship has been troubled with a good deal of repetition; I hope your Lordship will think that that, in the circumstances could not be helped.

The Commissioner: I do not think so at all. I think you have been as short as it was possible to be, having regard to the importance of the case.

Mr. Dan Stephens: If your Lordship pleases.

The Commissioner: Now the Court will have to take some time to consider and prepare its judgment. This Court, or at all events a part of it, is going to sit to hear the case of the "Lusitania," and I do not think judgment will be delivered in the case of the "Falaba" until the case of the "Lusitania" has been heard. I will not formally close this Inquiry at present, because it is possible, though I do not think it is at all likely, that I may require some further evidence upon some points, and, if so, I shall probably summon Counsel before the Court to answer the questions, but I do not think that it is very likely. I should like to thank you all for the assistance you have rendered to the Court.

(Adjourned Sine Die.)

SHIPPING CASUALTIES

(LOSS OF THE STEAMSHIP "FALABA.")

REPORT of a Formal Investigation into the circumstances attending the foundering on 28th. March of the British Steamship "Falaba," of Liverpool, in or near Latitude 51° 30' N., Longitude 6° 36' W., whereby loss of life ensued.

Presented to both Houses of Parliament by Command of His Majesty.



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Report on the Loss of the “ FALABA ” (s.s.)

THE MERCHANT SHIPPING ACTS, 1894 TO 1906.

IN THE MATTER OF the Formal Investigation held at the Caxton Hall, Westminster, on the 20th, 21st, 27th and 28th May, 1915, before the Right Honourable LORD MERSEY, Wreck Commissioner, assisted by Admiral Sir F. S. INGLEFIELD, K.C.B.; Lieutenant-Commander HEARN; Captain D. DAVIES; and Captain J. SPEDDING, acting as Assessors, into the circumstances attending the loss of the steamship “ Falaba,” of Liverpool, and the loss of 104 lives in or near latitude 51° 30' N., longitude 6° 36' W. on the 28th March, 1915.

REPORT OF THE COURT.

The Court, having carefully enquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons appearing in the annex hereto, that the loss of the said ship and lives was due to damage caused to the said ship by a torpedo fired by a submarine of German nationality, whereby the ship sank. In the opinion of the Court the act was done not merely with the intention of destroying the ship but also with the intention of sacrificing life.

Dated this 8th day of July, 1915.

MERSEY,

Wreck Commissioner.

We concur in the above Report,

F. S. INGLEFIELD.

H. J. HEARN.

DAVID DAVIES.

JOHN SPEDDING.

} *Assessors.*

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ANNEX TO THE REPORT.

INTRODUCTION.

On the 3rd May, 1915, the Lord Chancellor appointed a Wreck Commissioner under the Merchant Shipping Acts, and, on the 18th May, the Home Secretary appointed four assessors. On the 4th of May the Board of Trade required that a Formal Investigation of the circumstances attending the loss of the "Falaba" should be held, and the Court accordingly commenced to sit on the 20th May, 1915. There were four public sittings, at which 46 witnesses were examined and a number of documents were produced. The twenty-five questions formulated by the Board of Trade, which are set out in detail hereinafter, appear to cover all the circumstances to be enquired into.

BUILDING, OWNERSHIP, AND MANAGEMENT OF THE "FALABA."

The "Falaba" was a screw steamer, built in the year 1906 by Messrs. Stephens and Sons, of Glasgow, for the Elder Line, Limited. She was intended for the West African trade.

Her managers were Elder Dempster and Company, Limited, of which Company Mr. John Craig was (and is) the Liverpool Managing Director. His name stands on the ship's register as the Managing Owner.

Captain William Peter Thompson is, and for 17 years has been, Marine Superintendent to Elder Dempster and Company. He had general authority to issue instructions regarding the equipment of the vessel.

Dimensions and equipment.

The "Falaba" was of 4,806 tons gross and 3,011 tons net register. Her length was 380 feet and her nominal horse power 654.

She was a liner fitted for passengers and cargo.

She carried four life-boats, numbered 1, 2, 3 and 4, which had been built for the vessel by Messrs. Stephens and Sons in 1906. She also carried three other life-boats more strongly built and intended to serve as surf-boats on the African coast. These were numbered 5, 6 and 8. Number 5 had been built in 1911 and numbers 6 and 8 as recently as 1913. The seven life-boats had accommodation for 282 persons. In addition to these life-boats there was the Captain's gig (No. 7), which was designed to carry 25 persons. Thus the boat accommodation on board was sufficient for 307 persons. On the voyage in question the "Falaba" carried 242 persons in all.

In addition to the boats the vessel was furnished with 12 life-buoys and 301 life-jackets, 19 of which were for children.

Surveys, &c.

On the 21st December, 1914, Mr. Thomas Miller, Board of Trade Surveyor of Liverpool, surveyed the "Falaba" for the purpose of enabling her to obtain a renewal of her passenger certificate. He gave evidence at the Enquiry and satisfied me that at the time of his inspection the life-boats, the life-buoys and the belts were in sound condition and fit for the intended service. Having completed his survey he made the declaration required by the Board of Trade, and on the faith of it the Board issued a twelve months' certificate dated the 22nd December, 1914, by which the "Falaba" was authorised to carry 118 first-class and 72 second-class passengers and a crew of 92, making a total of 282 persons.

In addition to this official survey the life-belts were inspected at Liverpool upon the sailing of the vessel, and at the same time the boats were also examined by the ship's carpenter and found to be in good condition.

I am satisfied that when the "Falaba" started on the voyage in question in this enquiry the boats and the life-saving appliances were all in good order and condition, and complied with the requirements of the law.

The Position of the Boats on leaving Liverpool.

When the "Falaba" left the Mersey on the 27th March, 1915, the life-boats were disposed as follows: Nos. 1, 3 and 5 (the last-mentioned being a surf life-boat) were on the starboard side of the boat deck; Nos. 2, 4 and 6 (the last-mentioned being a surf-boat) were on the port side. No. 8 (a surf life-boat) was on the starboard side, and the Captain's gig (No. 7) on the port side of the poop or after boat deck.

Nos. 1, 2, 3 and 4 (the large life-boats), and No. 7, the captain's gig, were swung out before the pilot left the "Falaba" on the evening of the 27th March when she sailed. The surf life-boats 5, 6 and 8 were not swung out.

The launching apparatus consisted of Welin Patent Davits.

Boat Lists and Boat Drill.

It is the practice on the steamers of the Elder Dempster Line to prepare boat lists for each voyage assigning to each member of the crew a particular boat to which he must go in case of need. This list cannot be prepared until the vessel has left the port of departure, for not until then is it known which of the crew will join the ship. Not infrequently some of them fail to appear. On this occasion the vessel, having left the dock and entered the river, began her voyage at 6 p.m. on Saturday, the 27th March, and apparently the purser commenced the preparation of the boat list next morning at 10.30 a.m. It had not been completed at the time the "Falaba" was torpedoed as hereinafter described. But about one-half of the crew consisted of men who had served on the previous voyage. These men would know their boat stations for they would retain the old stations allocated to them.

Boat drill on the Elder Dempster Line is held once a week, usually on the first Saturday or Sunday after the commencement of the voyage. The masters of the steamers are ordered by letter to see that the drill is repeated weekly, and to record it in the log. Competitions are also held between sailors, firemen, and stewards in swinging out, lowering, manning, and rowing the boats, and a money prize is awarded to the men of the successful boat. Particulars of these competitions are also entered in the log. No boat drill had been held on this voyage up to time when the "Falaba" was torpedoed.

The Captain and Officers.

The "Falaba" was under the command of Captain Davies. He had been for more than twenty years in the employment of Elder Dempster and Co. He lost his life when the ship went down.

Of the four officers three were making a voyage in the "Falaba" for the first time. The fourth had made a previous voyage in her.

Both the captain and the officers were competent and efficient men.

The Crew.

The crew numbered 95. Of these 43 were old hands on the vessel, and the remaining 52 were new. The white members of the crew comprised four quarter-masters, three A.B.'s, a boatswain, a carpenter, an ordinary seaman, and two deck boys. There were about 18 black sailors. The remainder of the crew consisted of engineers, firemen, and stewards. About one-half of the crew lost their lives when the "Falaba" went down. The crew was, in my opinion, efficient.

The Passengers.

There were 147 passengers on board, namely, 85 males and 7 females in the first-class and 55 males in the second-class. Of these passengers, 144 were of British nationality, one was Danish, one Greek and one American. There were no children on board.

The Cargo.

The cargo was loaded in the Liverpool Docks. It was a general cargo of the ordinary kind. It included 13 tons of cartridges and gunpowder for Government use on the West Coast. This was not more than is usually carried in peace time.

The "Falaba" unarmed.

The "Falaba" was not armed. She carried no means either of defence or of offence.

The Torpedoing of the "Falaba."

In the following narrative ship's time is given throughout.

The "Falaba" started from the Mersey on her voyage to Sierra Leone and other West African ports at 6 p.m. on Saturday the 27th of March last.

On the morning of Sunday the 28th March, Mr. Baxter, the chief officer, and Mr. Pengilly, the third officer, were on watch on the bridge.

The captain was in the chart room.

At 11.40 a.m., Mr. Pengilly sighted a submarine three miles off and about two points abaft the starboard beam. She was flying what Mr. Pengilly took to be a British ensign. The only other craft in sight was a steam drifter, the "Eileen Emma," which was at some distance.

At this time the course of the "Falaba" was S. 36° W. by compass, her speed was 12 to 13 knots, and her position 51° 32' N. lat. and 6° 36' W. long. She was about 60 miles west of St. Ann's Head. There was a choppy sea which was becoming worse.

Mr. Pengilly at once reported the submarine to Mr. Baxter, and he summoned the captain to the bridge.

The captain immediately altered the course of the "Falaba" so as to get the submarine directly astern, and at the same time he rang up the engine room to increase the speed. The best was done in the engine-room to respond to this call, but it was found impossible to effect any material improvement in the short time available.

The captain then sent Baxter to instruct the Marconi operator to signal all stations as follows:—"Submarine overhauling us. Flying British flag. 51° 32', 6° 36'." This message was sent out at 11.50 a.m. Baxter then obtained a telescope and observed that the submarine was flying a German ensign. It is, in my opinion, uncertain whether the ensign had been changed or whether the ensign already observed was not, in fact, a German flag. The point, however, is not material, because from the first the captain believed the submarine to be an enemy craft.

The submarine was at this time making about 18 knots and was rapidly overhauling the "Falaba." Shortly before noon she fired a detonating signal to call attention, and by flags signalled the "Falaba" to "stop and abandon ship." The "Falaba" did not stop, but still manœuvred to keep the submarine astern. The submarine then signalled "Stop, or I fire." The Captain and the Chief Officer then conferred, and decided that it was impossible to escape. They accordingly rang to the engine room to stop the engines. The signal "Stop, or I fire" was given a minute or two before noon. The submarine then signalled "Abandon ship immediately," and hailed through a megaphone to the "Falaba" to take to the boats as they were going "to sink the ship in five minutes." The Captain answered that he was taking to the boats. The Marconi operator heard the hail, and sent a second message "Position 51° 32' N. 6° 36' W. torpedo going boats." The warning that the submarine was going to sink the ship in five minutes was given as nearly as possible at noon.

The "Falaba" stopped at 12.4 or 12.5, and at 12.10 the submarine fired a torpedo into her. At this moment the submarine was within about 100 yards of the "Falaba." The torpedo struck the "Falaba" on the starboard side by No. 3 hatch aft of No. 1 life-boat and just alongside the Marconi house.

The blow was fatal. The "Falaba" at once took a list to starboard, and in eight minutes (namely at 12.18) she sank. This was within 20 minutes of the notice from the submarine of her intention to sink the ship.

An affidavit by Mr. Baxter the Chief Officer which has been put in has satisfied me that no rocket or other signals were fired or shown from the "Falaba" on the 28th March.

I do not desire, nor am I in this case required, to find whether the submarine was within her rights as an enemy craft in sinking the "Falaba." But I do assume that in any event she was bound to afford the men and women on board a reasonable opportunity of getting to the boats and of saving their lives. This, those in charge of the submarine did not do. And so grossly insufficient was the opportunity in fact afforded, that I am driven to the conclusion that the Captain of the submarine desired and designed not merely to sink the ship but, in doing so, also to sacrifice the lives of the passengers and crew.

There was evidence before me of laughing and jeering on board the submarine while the men and women from the "Falaba" were struggling for their lives in the water; but I prefer to keep silence on this matter in the hope that the witness was mistaken.

Orders to Passengers and Crew.

Between the first signal of the submarine to stop and the actual stopping of the "Falaba" the chief officer directed the first and second stewards to assemble the passengers on deck and to tell them to put on their life-belts. The captain also sent the fourth officer below to see that these orders were carried out.

After the engines were stopped the chief engineer and the third engineer ordered all men in the engine-room and stoke-hole on deck, and the order was obeyed.

Orders to Man the Boats.

By the time the "Falaba" was stopped a large number of the passengers were already on the boat deck. The captain was on the bridge. He sent the third officer and the quartermaster to see to the lowering and the filling of the boats, and the order to man the boats was passed round the ship.

The condition of the Life-boats when the Order to lower was given.

During the course of the Enquiry serious complaints were made by some of the witnesses both as to the condition of the boats and as to the launching of them. These complaints were put forward quite honestly although in some instances they came from passengers who are now preferring claims against the owners for compensation. I will take the charge against the boats first: it is the more important. It was said of them that they were "rotten." Now the four large life-boats, Nos. 1, 2, 3 and 4, were all built in 1906 by the builders of the ship herself, and they had all seen exactly the same service. Two of them, Nos. 3 and 4, were filled and were got away from the "Falaba" safely. They were in the water some hours, and were instrumental in saving about 80 persons. One of them, No. 1, was seriously damaged while being launched, and after reaching the water opened out and went adrift. The other, No. 2, was also seriously damaged while being launched, but she remained afloat, and, in fact, picked up a number of persons from the water and put them on board a trawler. Mr. Ralston, the naval architect of the builders, was called before me. He satisfied me that the materials used in building the four boats in 1906 were good, and the workmanship proper. He also told me that such boats are estimated to last 14 or 15 years.

It appears that the two boats which got away safely (Nos. 3 and 4) were washed up on the rocks of the coast of Cornwall in April, 1915, and were there seen and examined by Mr. Cotterell, the Assistant Marine Superintendent of Elder Dempster & Co., on the 20th of that month. He found at the same time and in the same locality the Captain's gig (No. 7) and one of the surf life-boats (No. 8). The gig had been washed up on the beach, but the surf boat (No. 8) had been picked up at sea by a trawler and brought in to Padstow to be repaired. Mr. Cotterell found the four boats, 3, 4, 7, 8, quite sound as to their timbers, but, of course, damaged. These four boats were again seen and examined in the month of May: on this occasion by Mr. Camps, a member of the Institute of Naval Architects, who had been sent for the purpose to Cornwall by the owners. When Mr. Camps arrived he found that another of the surf boats, namely, No. 6, had been washed up on the rocks, so that he was able to examine five of the boats—Nos. 3, 4, 6, 7, and 8. He gave me a description of the damage sustained by each of these boats. It was all damage attributable to rough usage of one kind or another. The timbers were in all cases quite sound. As to Nos. 3, 4, and 6, the structural damage was probably due to contact with the rocks. No. 7 (the gig) was not badly damaged, and was quite repairable. No. 8 had a hole smashed into her side two feet square. This hole Mr. Camps ascribes to the boat having been rammed against the side of the "Falaba" by the force of the explosion of the torpedo, and I am of opinion that he is right.

I recall that all the life-boats (seven) were surveyed at Liverpool by the Board of Trade surveyor as recently as December, 1914, and also that they were examined at the commencement of the voyage in question by Captain Thompson, the Marine Superintendent of the owners, and found on both occasions to be in good condition and fit for the intended service.

It also appears that a sister ship to the "Falaba"—namely, the "Elmira," was built by Messrs. Stephens & Sons, of Glasgow, at the same time as the "Falaba," and was provided with life-boats similar to those furnished to the "Falaba." Those boats have been examined by Mr. Camps within the last few days, and have been found quite sound. This evidence of skilled and apparently careful men satisfies

me that the witnesses who describe the boats as having been "rotten" are mistaken, and that, in truth, the boats were sound and in good order up to the time of the attack by the submarine.

What, however, the witnesses probably mean when they say the boats were rotten is that when afloat some of them were found to be unseaworthy. And this, no doubt, is true. But this condition of things was, in my opinion, wholly due to the damage sustained by the boats after the operation of launching began, and not to any previous defect. Upon the subject of the launching, it is, therefore, necessary to say a few words. It is to be remembered that the submarine had given the "Falaba" only about five minutes in which to man, to fill, and to launch these boats: in which, in short, to save the lives of 242 persons. This was an operation quite incapable of efficient performance in anything like that short space of time. There was unavoidable hurry and disorder; the falls of one of the boats slipped; the falls of another jammed; some boats were dashed against the side of the ship and damaged; one (No. 8) was seriously injured by the explosion of the torpedo while still hanging from the davits. It is in these circumstances that some of the witnesses apparently desire me to find that the damage done to the boats was due to the neglect of the officers and crew in connection with the launching. I cannot do this. I have no doubt that had there been more time for the work it might have been better carried out, but, in my opinion, all on board, Captain, officers, crew and passengers, did their very best. People were fighting for their lives and for the lives of others about them, and in the struggle the Captain, half the crew, and a large number of the passengers were drowned. It is impossible for me to fix any man on board the ship with a failure of duty or with incompetence. The responsibility for the consequences of this catastrophe must rest exclusively with the officers and crew of the German submarine.

The Deaths.

Out of the 242 persons on board, 138 were saved and 104 were lost. Those lost were made up of 57 of the passengers and of 47 of the crew.

The Drifter "Eileen Emma" and the trawlers.

Most of the people saved were picked up from the water or taken from the boats by the master and crew of the "Eileen Emma," a drifter.

Others were taken on board the trawlers "Orient II.," "Wenlock," "George Baker" and "Emulate," which arrived on the scene after the "Falaba" had sunk.

The men on board all those five fishing boats behaved with great courage and kindness and deserve the highest commendation.

FINDING OF THE COURT.

It is now convenient to answer the twenty-five questions submitted by the Board of Trade.

1. When the s.s. " Falaba " left Liverpool on the 27th March last : (a) What was the total number of persons employed in any capacity on board her and what were their respective ratings? (b) What was the total number of her passengers, distinguishing sexes and classes and discriminating between adults and children?

Answer :

(a) The total number of persons employed in any capacity on board the " Falaba " was 95.

Their ratings were :—

Master and five deck officers ...	...	...	6
6 engineers ...	...	...	6
12 deck hands ...	...	...	12
2 pursers ...	...	...	2
14 firemen and 7 trimmers ...	...	...	21
34 stewards and 1 stewardess ...	...	...	35
1 Marconi operator and 2 clerks ...	...	...	3
Cooks, &c. ...	...	...	10
Total ...	...	...	95

(b) The total number of passengers was 147. Of these :—

	Male.	Female.	Total.
1st Class ...	85	7	92
2nd Class ...	55	—	55
			147

Of the above, none were children.

2. Before leaving Liverpool on the 27th March last, did the " Falaba " comply with the requirements of the Merchant Shipping Acts, 1894 to 1906, and the Rules and Regulations made thereunder with regard to the safety and otherwise of passenger steamers?

Answer :

Yes.

3. Was the s.s. " Falaba " sufficiently officered and manned?

Answer :

Yes.

4. (a) What was the number of boats of any kind on board the s.s. " Falaba ? (b) Were the arrangements for manning and launching the boats on board the " Falaba " in case of emergency proper and sufficient? (c) What was the carrying capacity of the respective boats? (d) Had a boat drill been held on board before the vessel left Liverpool, and, if so, when?

Answer:

- (a) 4 life-boats.
3 surf life-boats.
1 Captain's gig.
- (b) Yes.
- (c) The carrying capacity of the 4 life-boats and the 3 surf life-boats was for 282 persons. Captain's gig was for 25 persons, or a total of 307 persons.
- (d) No, but see p. 4 of Report.

5. What number of life-jackets for adults and children and life-buoys did the vessel carry? Where were they kept, and were they fit and ready for use when the vessel left Liverpool?

Answer:

The number of life-jackets was 301, of which 19 were for children. The number of life-buoys was 12.

Yes.

6. Were any, and if so how many, and which of the boats carried swung-out board on leaving Liverpool?

Answer:

The 4 large life-boats (Nos. 1, 2, 3 and 4) and the captain's gig (No.7) were swung out before the pilot left the "Falaba" on the evening of 27th March.

7. At what time on March 28th last was the German submarine first sighted by those on board the "Falaba" and what were the approximate positions of the two vessels at that time? Were any other vessels in sight at this time, and if so what were they, and what were their relative positions as regards the s.s. "Falaba" and the German submarine?

Answer:

The submarine was first sighted at 11.40 a.m.

The position of the "Falaba" was approximately 51° 32' N. latitude and 6° 36' W. longitude.

The position of the submarine was three miles off the "Falaba" and about two points abaft the starboard beam.

The only other vessel in sight was a steam drifter, the "Eileen Emma," which was at some distance from the "Falaba" and astern of the submarine.

8. What flag or flags were being displayed by the "Falaba" at the time the German submarine was first sighted and thereafter?

Answer:

None.

9. What flag or flags (if any) were displayed or shown by the German submarine (a) At the time she was first sighted, (b) At any time thereafter? Did the German submarine carry any distinguishing number or marks by which her identity could be established?

Answer:

(a) A white ensign, but see page 5 of Report.

(b) The German white ensign.

No distinguishing number or marks were observed.

10. What signals were made by the German submarine? At what times were they made? Was any answer made by the s.s. "Falaba" to such signals?

Answer:

See p. 5 of Report.

11. At what time were the engines of the "Falaba" stopped?

Answer:

One minute or two before noon.

12. How near to the "Falaba" did the submarine approach? Were any verbal directions or messages given by anyone on board her to the "Falaba"? If so what were they? What answer (if any) was made to them by anyone on board the "Falaba."

Answer:

One hundred yards.

Yes. The submarine hailed through a megaphone to the "Falaba" to take to the boats as they were going to sink the ship in five minutes.

The Captain of the "Falaba" answered that he was taking to the boats.

13. What orders, if any, were given by the master of the "Falaba" after sighting the German submarine as to sending out wireless messages from his vessel? What wireless messages were, in fact, sent out from the "Falaba" and at what times were they sent out?

Answer:

See page 5 of Report.

The message "Submarine overhauling us. Flying British flag No. 51° 32' 6° 36'," was sent at 11.50 a.m.

The second message, "position 51° 32' N., 6° 36' W., torpedo going boats" was sent about noon.

14. Was the "Falaba" sunk by a torpedo fired by a German submarine?

Answer:

Yes.

15. At what time and from what distance away was the torpedo fired by the German submarine? At the time the torpedo was fired had all the crew and passengers of the "Falaba" left the ship in the boats? Were those on board the German submarine in a position to see clearly the position of affairs on board the "Falaba" at the time the torpedo was fired? What other ships (if any) were in the vicinity of the "Falaba" at the time the torpedo was fired?

Answer:

About 100 yards.

No.

Yes.

The steam-drifter "Eileen Emma," see page 5 of Report.

16. Where did the torpedo strike the "Falaba"? When it exploded what was the result (a) to the ship, (b) to any of her boats which were being, or about to be lowered, (c) to any passengers and crew then in the boats or in the water near the ship or on the ship?

Answer:

The torpedo struck the "Falaba" on the starboard side by No. 3 hatch aft of No. 1 life-boat and alongside the Marconi house.

(a) The "Falaba" at once took a list to starboard and sank in 8 minutes.

(b) See pages 6, 7 of Report.

(c) No evidence but a surmise by witness Bathgate that the concussion killed some of the people in the boats or in the water.

17. For how long after firing the torpedo did the German submarine remain in the vicinity of the "Falaba"? Did those on board her make any effort to render assistance in saving life? If not, could they have done so?

Answer:

Till the "Falaba" sank.

No.

Probably not, without endangering the submarine.

18. For how long after being struck by the torpedo did the "Falaba" remain afloat?

Answer:

Eight minutes.

19. When were orders given by the Master of the "Falaba" to get out the boats and leave the ship? Were such orders promptly carried out and was proper discipline maintained. Were the boats swung out filled, lowered or otherwise put into the water and got away under proper superintendence?

Answer:

About noon and after the order to stop the engines.

Yes.

Yes.

20. How many and which boats were successfully lowered and sent away? What number of (a) Crew, (b) Passengers were in each of these boats? To how many and which boats did accidents happen whilst they were being got out or being lowered or when in the water? What were the nature and causes of such accident? What number of passengers and crew were in each boat at the time? What loss of life (if any) occurred by reason of the accidents to these boats?

Answer:

Life-boats Nos. 3 and 4, see page 6 of Report.

See pages 6, 7 of Report.

21. Were all the boats efficient and serviceable for the purpose of saving life?

Answer:

Yes.

22. Before firing the torpedo, what time was given by the Commander of the German submarine to the Master of the "Falaba" to get all on board into the boats and leave the ship safely? Was such time reasonable?

Answer:

See page 5 of Report.

23. How many persons on board the "Falaba" on the occasion in question were saved, and by what means? What was the number of passengers, distinguishing between men and women and adults and children of the first and second class respectively, who were saved? What was the number of the crew, discriminating their ratings and sexes, who were saved?

Answer:

138 persons were saved; of whom 90 were passengers, of whom 6 were females.

No evidence of class of survivors.

Of the crew, there were 48 survivors, of whom all were males.

24. What was the cause of the loss of the s.s. "Falaba" and the loss of life?

Answer:

Damage to the "Falaba," caused by a torpedo fired by a German submarine, whereby the ship sank.

25. Is blame attributable to Mr. John Craig, Registered Manager, Mr. William Peter Thompson, Marine Superintendent, and Mr. Walter Campbell Baxter, Chief Officer, or to any, and, if so, which of them?

Answer:

No.

ss ["]Lusitania["].

FIRST DAY (15 JUNE, 1915).

Name of Witness.	Description.	Examined by	No. of Question.	Page.
Mr. Alexander Galbraith	Superintending Engineer to the Cunard Line.	The Solicitor-General ...	1—23	4—5
Mr. Albert Laslett ...	Board of Trade Engineer and Ship Surveyor at Liverpool.	The Solicitor-General ...	24—49	5
Captain O. A. Barrand ...	Board of Trade Emigration Officer at Liverpool.	The Solicitor-General ...	50—53	5
Captain William Thomas Turner.	Master of the "Lusitania."	The Attorney-General... Mr. Rose-Innes... Mr. Cotter ... Mr. Clem Edwards ... Mr. Donald Macmaster Mr. Butler Aspinall ...	54—121 122—123 124—168 169—176 177—182 183—214	5—6 7 7 7 8 8

SECOND DAY (16 JUNE, 1915).

Mr. Alfred Allen Booth...	Chairman, Cunard Line.	The Attorney-General... Mr. Wickham ... Mr. Donald Macmaster Mr. Thomas Scanlon ... Mr. Cotter ... Mr. Butler Aspinall ...	215—288 289—298 299—327 328—333 334—364 365—373	10—12 12 12—13 14 14 15
Thomas Quinn ...	Able Seaman on the "Lusitania."	Mr. Dunlop ...	374—391	15
Commander Anderson ...	Commander in the Royal Navy.	The Attorney-General...	392—410	16
Leslie N. Morton ...	Able Seaman on the "Lusitania."	The Solicitor-General ... Mr. Clem Edwards ... Mr. Cotter ... Mr. G. A. Scott ... Mr. Thomas Priest ... Mr. Donald Macmaster Mr. Butler Aspinall ...	411—460 461—485 486—519 520—521 522—530 531—533 534—551	16—17 17 18 18 18 18 18—19
Hugh Robert Johnson ...	Quartermaster on the "Lusitania."	The Attorney-General... Mr. Wickham ... Mr. Cotter ... Mr. Clem Edwards ... Mr. Priest ...	552—608 609—613 614—629 630—637 638—647	19—20 20 20 20 20
George Little ...	Third Engineer on the "Lusitania."	Mr. Dunlop ... Mr. Wickham ... Mr. Clem Edwards ... Mr. Marshall ... Mr. Clem Edwards ... Mr. Butler Aspinall ...	648—669 670—673 674—711 712—725 726—732 733—735	21 21 21—22 22—23 23 23
Mr. Andrew Cockburn ...	Senior Second Engineer on the "Lusitania."	The Attorney-General... Mr. Wickham ...	736—799 800—804	23—24 24
Robert Leith ...	Wireless Telegraphist on the "Lusitania."	The Attorney-General .. Mr. Rose Innes... Mr. Joseph Cotter ...	805—851 852—861 862—894	24—25 25 25—26
Arthur Roland Jones ...	First Officer on the "Lusitania."	Mr. Branson ... Mr. Rose Innes... Mr. Joseph Cotter ... Mr. Scott ... Mr. Butler Aspinall The Attorney-General...	895—932 933—967 968—1024 1025 1026—1050 1051	26 26—27 27—28 28 28—29 29

SECOND DAY (16 JUNE, 1915)—continued.

Name of Witness.	Description.	Examined by	No. of Question.	Page.
Mrs. Mabel Kate Leigh Royd.	Passenger on the "Lusitania."	The Solicitor-General ...	1052—1082	29
		Mr. Joseph Cotter ...	1083—1095	29—30
		Mr. Scott ...	1096—1100	30
The Rev. Mr. — Clark ...	Passenger on the "Lusitania."	The Attorney-General...	1101—1135	30—31
		Mr. Rose-Innes... ..	1136—1142.	31
		Mr. Joseph Cotter ...	1143—1153	31
		Mr. Scott	1154—1155	31
Mr. Frederick E. O. Tootal	First Class Pas- senger on the "Lusitania."	Mr. Dunlop	1156—1182	31—32
Mr. John Freeman ...	Second Class Pas- senger on the "Lusitania."	The Solicitor-General ...	1183—1212	32
		Mr. Joseph Cotter ...	1213—1234	33
		Mr. Clem Edwards ...	1235—1242	33
Theodore Diamandis ...	Greek Subject, a Third Class Pas- senger on the "Lusitania."	Mr. Dunlop	1243—1254	33
		Mr. Joseph Cotter ...	1255—1287	34
		Mr. Butler Aspinall ...	1288—1302	34

THIRD DAY (17 JUNE, 1915).

Mr. John Frederick Valentine Jones.	Chief Steward on the "Lusitania."	The Attorney-General...	1303—1339	38
		Mr. Rose-Innes	1340—1350	38
		Mr. Clem Edwards ...	1351—1366	39
		Mr. Butler Aspinall ...	1367—1370	39
Mr. Albert Arthur Bestwick.	Junior Third Of- ficer on the "Lusitania."	The Solicitor-General ...	1371—1400	39—40
		Mr. Rose-Innes... ..	1401—1417	40
		Mr. Clem Edwards ...	1418—1427	40
		Mr. Butler Aspinall ...	1428—1443	40—41
Mr. Robert Henry Duncan.	First Senior Third Engineer on the "Lusitania."	Mr. Branson	1444—1459	41
		Mr. Donald Macmaster	1460—1462	41
		Mr. Clem Edwards ...	1463—1485	41—42
		Mr. Butler Aspinall ...	1486—1488	42
Mr. — Robertson ...	Carpenter on the "Lusitania."	The Attorney-General...	1489—1575	42—43
		Mr. Rose-Innes... ..	1576—1601	44
		Mr. Clem Edwards ...	1602—1625	44—45
		Mr. Donald Macmaster	1626—1628	45
Captain William Thomas Turner.	Master of the "Lusitania."	The Attorney-General...	1629—1648	45
		Mr Clem Edwards ...	1649—1665	45—46
		Mr. Donald Macmaster	1666—1672	46
		Mr. Thomas Priest ...	1673—1674	46
Frederick O'Neil ...	Able Seaman and Lamp Trimmer on the "Lusi- tania."	Mr. Dunlop	1675—1708	46—47
		Mr. Donald Macmaster	1709—1712	47
Joseph Casey	Fireman on the "Lusitania."	The Solicitor-General ...	1713—1725	47
Thomas Madden' ...	Fireman on the "Lusitania."	Mr. Branson	1726—1735	47
Frederick Davis	Trimmer on the "Lusitania."	The Solicitor-General ...	1736—1744	48
Mr. McDermott	Trimmer on the "Lusitania."	Mr. Dunlop	1745—1751	48
		Mr. Clem Edwards ...	1752—1774	48
Miss Alice Lynes ...	Nurse on board to the Children of Major War- ner Farrell.	The Solicitor-General ...	1775—1789	48—49

THIRD DAY (17 JUNE, 1915)—*continued.*

Name of Witness.	Description.	Examined by	No. of Question.	Page.
Mr. James Baker ...	Passenger on the "Lusitania."	The Attorney-General...	1790—1808	49
		Mr. Thomas Priest ...	1809—1815	49
		Mr. Clem Edwards ...	1816—1821	49—50
		Mr. Butler Aspinall ...	1822—1835	50
Mr. Francis Bertram Jenkins.	First Class Pas- senger on the "Lusitania."	Mr. Rose-Innes... ..	1836—1871	51—52
		Mr. Butler Aspinall ...	1872	52
		Mr. Scott	1873—1874	52
Mr. Robert W. Cairns ...	First Class Pas- senger on the "Lusitania."	Mr. Rose-Innes... ..	1875—1887	52
		Mr. Butler Aspinall ...	1888—1906	52—53
		Mr. Rose-Innes... ..	1907—1911	53
Miss Eveline Wild ...	Second Class Pas- senger on the "Lusitania."	Mr. Rose-Innes... ..	1912—1932	53—54
Mrs. Elizabeth Lasseter...	First Class Pas- senger on the "Lusitania."	Mr. Thomas Priest ...	1933—1949	54
		Mr. Rose-Innes... ..	1950	54
		Mr. Butler Aspinall ...	1951—1965	54—55
Mr. Robert James Timmis.	—	—	1966—1975	55—56
Mr. David Alfred Thomas	Member of the Advisory Com- mittee to the Intelligence De- partment of the Board of Trade.	The Solicitor-General ...	1976—2002	56—57
		Mr. Wickham	2003—2004	57
		Mr. Butler Aspinall ...	2005—2017	57

FIFTH DAY (1 JULY, 1915).

Mr. Joseph Marichal ...	Lecturer in Romance Lan- guages at Queen's Uni- versity, Kings- ton, Ontario.	The Solicitor-General ...	2018—2031	66—67
		Mr. Cotter	2052—2100	67—68
		Mr. Donald Macmaster	2101—2119	68—69
		Mr. Butler Aspinall ...	2120—2154	69—70
Mr. Albert Laslett ...	Board of Trade Engineer and Ship Surveyor at Liverpool.	Mr. Branson	2155—2195	70—72
		Mr. Cotter	2196—2238	72—74
Mr. — Robertson ...	Carpenter on the "Lusitania."	The Commissioner ...	2239—2280	74—75
Mr. Albert Laslett ...	Board of Trade Engineer and Ship Surveyor at Liverpool.	The Commissioner ...	2281—2290	75—76
		Mr. Cotter	2291—2294	76
Captain William Thomas Turner.	Master of the "Lusitania."	The Commissioner ...	2295—2303	76
		Mr. Clem Edwards ...	2304—2312	77

In the Wreck Commissioner's Court.

CENTRAL HALL,

WESTMINSTER, S.W.

Tuesday, 15th June, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,

Acting as Assessors,

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "LUSITANIA."

FIRST DAY.

The Attorney-General (THE RIGHT HON. SIR EDWARD CARSON, K.C., M.P.), The Solicitor-General (THE RIGHT HON. SIR F. E. SMITH, K.C., M.P.), MR. P. J. BRANSON, and MR. DUNLOP (instructed by Sir Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. LAING, K.C., and MR. A. H. MAXWELL (instructed by Messrs. Hill, Dickinson and Co., of Liverpool) appeared as Counsel for the Owners, the Cunard Company, and the Captain.

MR. DONALD MACMASTER, K.C., M.P., appeared as Counsel for the Canadian Government.

MR. G. A. SCOTT appeared on behalf of the representatives of the late Mr. Alfred Gwynne Vanderbilt, a passenger.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. H. Z. Deane), appeared on behalf of Mrs. Ellen Conghlan, widow, and the representatives of between sixty and seventy, first, second and third class passengers.

MR. ROSE-INNES, K.C., and MR. WICKHAM appeared on behalf of Mr. Crichton and certain passengers (instructed by Messrs. Thorne and Co.).

MR. A. M. LATTER (instructed by Mr. Thomas Priest) appeared for Mr. H. B. Lasseter and others.

MR. COTTER appeared on behalf of certain representatives of the crew.

MR. CLEM EDWARDS, M.P., appeared on behalf of the National Union of Sailors and Firemen.

MR. W. L. MARSHALL (General Secretary), appeared on behalf of the Marine Engineers Association.

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THE ATTORNEY-GENERAL.

[Continued.]

The Attorney-General: My Lord, I appear on behalf of the Board of Trade, who have requested your Lordship to hold a formal investigation into the loss of the steamship "Lusitania," which was sunk off the Old Head of Kinsale, near the coast of Ireland, on the 7th May last.

My Lord, we have served the formal notices required upon the Captain of the ship, and also upon the owners, and I understand that my friends Mr. Aspinall and Mr. Laing and others appear on behalf of the owners and on behalf of the Captain. I do not know that there are any other appearances in the case.

Mr. Macmaster: I appear on behalf of the Canadian Government.

The Attorney-General: Of course, the only formal parties are the parties upon whom the notice has been served.

The Commissioner: Those, I understand, are the Owners and the Captain?

The Attorney-General: The Owners and the Captain.

The Commissioner: And no one else?

The Attorney-General: And no one else. Of course, as representing the Board of Trade, I court the fullest possible enquiry into any questions that may arise on the facts, and your Lordship will deal with them as occasion arises.

The Captain of the ship was Captain William Thomas Turner, and the Owners of the ship are the Cunard Company. They have been served with all the formal documents, including the Case representing the facts upon which the Investigation is based, and also a copy of certain Questions to which at the proper time I shall have to call your Lordship's attention.

The facts I have to state I can state very briefly. The steamship "Lusitania" which was both a passenger ship and an emigrant ship—and on that I shall have to say something afterwards—belonging to the Cunard Line, was, at the end of April, at New York, and was about to sail for England on the first of May. She left New York about noon on the 1st of May with a crew, of which I will tell your Lordship the details in a few moments, a large number of passengers, and a general cargo, bound for Liverpool. Certain statements have been made which have become public, and certain allegations have been made as between the German Government and America; Notes have passed between them, and it is not inconvenient that I should tell your Lordship the statement which the United States have made as regards the requirements of their laws before the steamship "Lusitania" sailed for Liverpool. The Note states this—and this is the American Note in reply to the German Note:—

"Your Excellency's Note, in discussing the loss of American lives resulting from the sinking of the steamship 'Lusitania,' adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel, and Your Excellency expresses the fear that this information has not been brought to the attention of the United States. It is stated that the 'Lusitania' was undoubtedly equipped with masked guns, that she was supplied with trained gunners with special ammunition, that she was transporting troops from Canada, that she was carrying cargo not permitted under the laws of the United States to a vessel also carrying passengers, and that she was serving, in virtual effect, as an auxiliary to the naval forces of Great Britain. Fortunately these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in Your Excellency's Note, if true, the Government of the United States would have been bound to take official cognizance. Performing its recognized duty as a neutral Power and enforcing its national laws, it was its duty to see to it that the 'Lusitania' was not armed for offensive action, that she was not serving as a transport, that she did not carry cargo prohibited by the statutes of the United States, and that if, in fact, she was a naval vessel of Great Britain she should not receive a clearance as a merchantman. It performed that duty. It enforced its statutes with scrupulous vigilance through its regularly constituted officials, and it is able therefore to assure the Imperial German

Government that it has been misinformed. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness, the Government of the United States sincerely hopes that it will submit that evidence for consideration. Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the 'Lusitania' or regarding the explosion of that material by a torpedo, it need only be said that in the view of this Government these contentions are irrelevant to the question of the legality of the methods used by the German naval authorities in sinking the vessel."

May I say here, at the outset, that that being a statement of the enforcement of the Regulations under Statutes at the port of departure, New York, our evidence here fully confirms the statement that was made. There was no such outfitting of the vessel as is alleged and fancied or invented by the German Government; and your Lordship will have the fullest evidence of that from the witnesses we will call in confirmation of what was said by the United States Government.

My Lord, on the morning of the 6th May, having left on the 1st May, as we are informed, all the Class A lifeboats, amounting to 22, were swung outwards under the superintendence of the proper officer and were left swinging and ready for lowering. That was in consequence of the ship then approaching what may be called the war zone or the danger zone. About 10 minutes past 2 p.m. on the 7th May the vessel was off the Irish Coast. She had passed early in the morning the Fastnet Rock at the extreme corner where you turn round to come up the Irish Channel, and had arrived at 2.10 near the Old Head of Kinsale. It is not material at the moment to stop to show your Lordship the point on the map. According to the evidence the ship was about 8 to 10 miles—I think the captain himself says 15, but a good deal of the evidence puts it at less—off the Old Head of Kinsale. One of the questions which will arise on the evidence is as to whether that was, at the time and under the circumstances which your Lordship will hear, a proper place for the captain to be navigating. The weather was fine and clear and the sea was smooth and the vessel was making about 18 knots. That is not unimportant when I come to discuss as to whether everything was done that ought to have been done in relation to the particular matters. Without any warning a German submarine fired a torpedo at the "Lusitania" and she was struck between the third and fourth funnels. There is evidence that there was a second and perhaps a third torpedo fired, and the ship sank within 20 minutes. I shall give you in a few moments the details of the people who were lost. At the present moment, all I want to emphasise is that there was no warning and there was no possibility under the circumstances of making any immediate preparation to save the lives of the passengers on board. My Lord, the course adopted by the German Government was not only contrary to International law and the usages of war, but was contrary to the dictates of civilisation and humanity; and to have sunk the passengers under those circumstances and under the conditions that I have stated meant in the eye, not only of our law but of every other law that I know of in civilised countries, a deliberate attempt to murder the passengers on board that ship.

I said, my Lord, that the ship was going at 18 knots. Perhaps I ought here to explain that the average maximum at which she had travelled from New York was about 21 knots, and a question will arise as to whether the captain was right in travelling at the time at 18 knots. I ought, further, to mention this, because it is a matter that concerns the owners, that out of 25 boilers they had in use all through the voyage only 19. Six of the boilers in the No. 4 boiler space were not used at all. If they had been used the speed could have been brought up to 24 knots, as I am told, but what the owners of the ship, the Cunard Company, say is, that in consequence of the war and the decrease of passenger traffic between America and this country, they had

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THE ATTORNEY-GENERAL.

[Continued.]

determined, not merely as regards this ship, but as regards other ships engaged in the traffic, and on other voyages of this ship, to use only the 19 boilers with a view to economy, having regard to the passenger traffic which they anticipated. That enabled them to do with about three-fourths of the coal that would be ordinarily used, and enabled them to save a certain amount of labour. My Lord, I think that is a fact which I ought to put forward in stating the case. Whether that was right or wrong we shall probably have to inquire somewhat into. But it is right to say that even with the boiler accommodation which was in use, I understand, that the "Lusitania," making 21 knots, would be a faster ship than any other of the large trans-Atlantic liners which convey passengers from one country to another.

The torpedo which struck the ship, as I have told you, struck her on the starboard side. That caused an immediate list on the ship, which, if it did momentarily right itself, afterwards increased, and was of such a nature, as will be shown in the evidence, that it made the boats on the port side practically impossible to launch. Some of them I think were filled with passengers, but, as your Lordship will readily imagine, in the few moments that elapsed these boats with the list over fell in-board and some of them fell over upon some of the passengers on the deck. I am not going now in any wise to anticipate the evidence as to how many torpedoes struck the ship. There is some little variation in the evidence, as one would expect on an occasion of this kind.

Let me tell your Lordship the facts about the crew and the passengers. The total crew was 702, made up of deck department 77, engineering department 314, stewards 306, the orchestra 5; that made 702. Of these, there were 677 males and 25 females. 397 males and 16 females were lost; therefore, the total loss of the crew was 413; 280 males and 9 females were saved. Those figures make up the 702.

The total passengers were 1,257, made up of saloon passengers 290, second-cabin passengers 600, third-cabin passengers 367, making a total of 1,257. Of these there were 688 adult males, 440 adult females, 51 male children, and 39 female children, and 39 infants. The number of passengers lost was 785, and the number saved 472. Of the 129 children, 94 were lost and 35 saved.

As regards the nationality of the passengers, I may tell your Lordship that 944 were British including Canadians: 360 were saved and 584 were lost. There were 6 Greeks, 5 Swedes, 1 Swiss, 3 Belgians, 3 Dutch, 72 Russians, 2 Mexicans, 1 Indian, 8 French, 1 Danish, 2 Italians, 1 Spanish, 1 Finnish, 1 Norwegian, 15 Persians, 1 Hindoo, and 1 Argentine; and as I have said of the total, 472 were saved and 785 were lost. Taking the passengers and crew together on board they came to 1,959, and of these 1,498 were lost and 761 were saved.

I ought to tell your Lordship, perhaps, something about the ship. The ship was built of steel by John Brown and Company, at Clydebank, in 1907. She had a length of 769.33 feet and a breadth of 87.85, with a depth of 61.72. She was fore and aft rigged; she was fitted with six steam turbine engines of 65,000 indicated horse power, equal to a speed of 24½ knots—that is, when all the boilers were working. She was registered at Liverpool, and her tonnage after deducting 17,784 tons for propelling power and crew space was 12,611. The ship was built under the special survey of the Admiralty and the Admiralty requirements. She had accommodation including the crew for over 3,000 persons. She was fitted with 15 transverse bulkheads. The longest compartment was the forward boiler room, which was over 90 feet long, and all the watertight doors and the bulkheads could by special arrangements be closed simultaneously; and I think there is evidence that that was done on this occasion. The coal bunkers were arranged along the sides of the ship and fitted with bulkheads, and there was a double bottom, the depth between the outer and the inner being 5 feet at the centre. I have told your Lordship already that the "Lusitania" was a passenger steamer and an emigrant ship as defined by Sections 267 and 268 of the Merchant Shipping Act, and as a passenger ship she had to be

surveyed annually for the passengers' certificate, and as an emigrant ship, every voyage before clearance outwards. She had cleared outwards in the month of March from this country and had received her certificate. She also had to comply with the rules as to life-saving appliances, which had to be surveyed under the 431st section of the Act. There were also special instructions which are not statutory which were given by the Company as regards boat drills, which your Lordship will hear evidence about.

The "Lusitania" held a passenger certificate enabling her to carry 400 passengers of each class, that would be 1,200 altogether, and a crew of 750 hands. She was certified to have, and had as a matter of fact, on board, 34 boats, capable of accommodating 1,950 persons. She had 32 lifebuoys and 2,325 life-jackets. The proper certificates which were required will be proved, and the witnesses will be called before you to show that the proper certificates were made. The vessel last cleared outwards from Liverpool as an emigrant ship, I said, in March, but it was really on the 17th April, and surveys were made by Mr. Laslett of her machinery and life-saving appliances, and an emigration survey was made by Captain Barrand, the Emigration Officer, who gave the clearance certificate on the 17th April. The ship, so far as the facts put before me go, seems in every way to have fulfilled the requirements of the law and the regulations that were laid down.

Now, my Lord, there is one other matter to which I must refer. There were, as your Lordship would expect under war conditions, certain general regulations which had been issued by the Admiralty with a view of giving directions having regard to the menace of submarines and mines when you get within what we may call the war zone. In addition to that, having regard to existing conditions on the south coast of Ireland, and what had been observed there during the two days previously, or one day at all events—May 6th, and the morning upon which these people were murdered, there were certain specific information and directions sent out by the Admiralty by wireless telegraphy to the "Lusitania," and which so far as I know reached the captain. As representing the public here, as I do, I have to state to your Lordship that, in my opinion, and upon the advice of the Admiralty, whom I have myself consulted, it is not thought desirable—indeed we are pressed very much the undesirableness of it—or, indeed, possible to state these general regulations or the communications that were made, in public. That will not relieve us from the necessity of going into them, and it will be quite evident that one of the main questions which will have to engage your Lordship's consideration is as to those instructions and those communications and how far in accordance with the circumstances the Captain acted upon them. I shall have in course of the case, subject of course to your Lordship's approval, to ask your Lordship to take that part of the inquiry in private. It is essential that we should go into it. It is essential that we should not have these matters published; it would shake I think the confidence of those who have to navigate our Mercantile Marine at this difficult time, with the kind of enemy we have to deal with, if we were to make these matters public, and I hope your Lordship will see your way to comply with the request we will make.

It is not necessary for me now I think to say any more. The case is not of the ordinary type of case into which these inquiries are held. The first question that has to be decided in an ordinary case is: how did the accident occur? Well, we know in the present case that there was no accident. We know that there was a premeditated design to murder these people on board this ship by sinking her. Everything points to that perfectly clearly and perfectly plainly, and therefore what in other cases takes a considerable time will not in the present case, I think, necessarily lead, at all events, to any very long or continued investigation. The real questions that will arise upon that are only two. The first is as to the navigation of the ship, having regard to the instructions, and the suggestions and the information from the Admiralty, and the second is as to whether everything was done that possibly could be done to save human life and alliterate human

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MR. ALEXANDER GALBRAITH.

[Continued.]

suffering after the ship had been torpedoed. That is a matter which it would serve no useful purpose for me to survey at the present time. Your Lordship can, of course, picture what the feeling on board a ship suddenly torpedoed in this way must have been. There is one thing which I might state which I think all the witnesses concur in, that there was no panic. Your Lordship will hear what was done as regards the boats and the attempts to launch them. For my own part, while I think every inquiry ought to be made, I think your Lordship will see at once that in certain circumstances of this kind, and with the number of human beings who were on board, it is not very easy to get any very accurate description of what did really happen as regards each boat, or anything of that kind. However, we will put all the necessary evidence before you. But, my Lord, I do not propose, so far as I am concerned, to protract an inquiry of this kind. There is no use as far as I can see in calling witness after witness to prove exactly the same thing, and when we have satisfied your Lordship and the Court by sufficient evidence of what are the general outlines of the facts and of the efforts that were made, of course we shall court inquiry and evidence, as is our duty, from any other person who wishes to come forward here, and if there are complaints against either the master or the owners or the crew everybody here as I understand will have the fullest opportunity of stating it. That is one of the objects of the investigation, but as I said before, this investigation differs from all others that I know of which have been held in these wreck inquiries, because, unfortunately, the cause of the loss of life is only too clear.

My Lord, with these observations I shall now proceed to call the evidence before you.

MR. ALEXANDER GALBRAITH, Sworn.

Examined by the SOLICITOR-GENERAL.

1. *The Solicitor-General*: This witness, my Lord, proves the dimensions. (*To the witness.*) You are the assistant superintending engineer to the Cunard Line?—I am the superintending engineer.

2. What was the tonnage of the "Lusitania"?—The gross tonnage was 30,395 tons; the nett tonnage 12,611 tons.

3. By whom was she built?—John Brown & Co., Clydebank.

4. And she was registered as a British steamship at the port of Liverpool?—That is so.

5. With the official number of 124,082?—Yes, that is right.

6. Will you describe the propelling machinery. Tell me generally what the propelling machinery was?—The main propelling machinery consisted of two high pressure ahead turbines, two low pressure ahead, and two astern turbines, driving four lines of main shafting. The two outer lines of shafting were each driven by a high pressure ahead turbine. The two inner lines of shafting were each driven by a low pressure ahead turbine. Forward of each low pressure ahead turbine and on the same line of shafting was an astern turbine, so that when going astern only the inner shafts were driving the ship. Steam was supplied by 23 double ended boilers and two single ended boilers, arranged for a working pressure of 195 lbs. per square inch.

6A. I want you now to give a general description, which I think you have prepared, of the dimensions of the vessel. What was her length over all?—The length over all was 785 feet.

7. And between perpendiculars?—760 feet.

8. And the extreme breadth?—88 feet.

9. The depth?—60 feet 4½ inches.

10. What was her draught?—36 feet.

11. Her displacement?—41,440 tons.

12. The accommodation for first class passengers?—I do not appear to have that.

13. I am putting it from your statement: First class passengers, 552; second class, 460; and third class, 1,186. Would that be right?—I have not the figures.

14. *The Commissioner*: Do not you know how many first, second and third class passengers this boat was licensed to carry?—Yes, but unfortunately I cannot pick it up in my notes.

Mr. Butler Aspinall: On behalf of the Cunard Company may I be allowed to take this early opportunity of conveying to the relatives and friends of the victims of this deplorable tragedy their sincere and heartfelt sympathy.

Mr. Cotter: I should like to make an application at this point to appear as representing 150 men of the "Lusitania."

Mr. Rose-Innes: I have a similar application to make on behalf of the relatives of a lady passenger who lost her life, and also on behalf of Mr. Crighton, to appear with Mr. Wickham.

Mr. G. A. Scott: I have a similar application to make on behalf of the representatives of the late Mr. Vanderbilt.

Mr. Clem Edwards: I wish to appear on behalf of the National Sailors' and Firemen's Union, of whom about 150 men were lost.

Mr. Marshall: I also ask permission to appear on behalf of the Marine Engineers. We have had 14 or 15 of our members lost and we desire to be represented.

The Commissioner: The different gentlemen who have applied to me will be at liberty through me to put any questions that they think they ought to put, but I am not going to make anybody party to this Inquiry except those people who have been mentioned by Sir Edward Carson, namely, the owners and the Captain. Of course, it is understood that if at any time during the Inquiry I desire to clear the Court and to take any part of the Inquiry in private, the gentlemen who have spoken to me must retire. Mr. Attorney, will you let me have a note of the figures of the passengers, crew, and dimensions and so on of the ship.

The Attorney-General: Certainly, my Lord.

The Attorney-General: It is in the Certificate.

14A. *The Solicitor-General*: What was the type of engine?—Turbine driven.

15. Do you recollect the number of furnaces?—The number of furnaces was 192.

16. What was the steam pressure?—195 lbs.

17. The total heating surface?—158,350 square feet.

18. The draught?—36 feet.

19. And the total indicated horse-power as designed?—68,000.

19A. The speed?—25 knots.

20. She was classed 100 A1 at Lloyds, and the hull and machinery were built under special survey?—That is so.

21. What was the structure of the vessel?—The vessel was built throughout of steel and had a cellular double bottom of the usual type, with a floor at every frame, its depth at the centre line being 60 inches, except in the way of turbine machinery, where it was 72 inches. This double bottom extended up the ship's side to a height of 8 feet above the keel. Above the double bottom the vessel was constructed on the usual transverse frame system, reinforced by web frames, which extended to the highest decks. At the forward end the framing and plating was strengthened with a view to preventing panting, and damage when meeting ice. Beams were fitted on every frame at all decks from the boat deck downwards. An external bilge keel about 300 feet long and 30 inches deep was fitted along the bilge amidships. The heavy plating was carried up to the shelter deck. Between the shelter deck and below the upper deck a depth of 14 feet 6 inches was double plated and hydraulic rivetted. The stringer plate of the shelter deck was also doubled. All decks were steel plated throughout. The transverse strength of the ship was in part dependent on the 12 transverse watertight bulkheads which were specially strengthened and stiffened to enable them to stand the necessary pressure in the event of accident, and they were connected by double angles to decks, inner bottom and shell plating.

The Commissioner: What point, Mr. Solicitor, does all this go to?

The Solicitor-General: I thought the Court would desire to know what the construction of the vessel was at some time or other in the Inquiry.

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CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

The Commissioner: But all these details produce no impression on my mind. We have other and much more important matters to enquire into.

The Solicitor-General: My Lord, that may be so, but at the same time surely it would be necessary, even if there were more important matters, that the Court should be informed of these things?

The Commissioner: Is there to be any suggestion that this ship was not seaworthy?

The Solicitor-General: Until we know what suggestions are made in the course of the Inquiry, it is a little difficult to tell.

The Commissioner: Have you any reason to believe that there will be any such suggestions?

The Solicitor-General: No, my Lord, I have no reason to believe anything. As to what will be suggested, I do not know.

The Commissioner: If I might suggest it, I think you had better defer all these details until you do hear something in the nature of a suggestion.

The Solicitor-General: If your Lordship pleases. Then that disposes of the whole of the evidence of this witness, except that I should like to put in the plans.

The Commissioner: What are these drawings I see?

22. *The Solicitor-General:* They represent various sections of the "Lusitania." Those are the boiler rooms: the other one is what is called a profile plan. (*To the witness:*) Do you produce the plans of the vessel?—That is so.

23. Have you them in Court?—I have.

The Solicitor-General: I put in the certified copy of the official register. (*Handing in the same.*)

(*The witness withdrew.*)

MR. ALBERT LASLETT, Sworn.

Examined by the SOLICITOR-GENERAL.

24. Are you a Board of Trade Engineer and Ship Surveyor at Liverpool?—I am.

25. Was the "Lusitania" as regards her machinery surveyed when she was built in 1907?—She was.

26. Under the arrangement then made was a system of running surveys contemplated?—It was.

27. Under this system is it a fact that only a six months' declaration could be issued at any time?—Yes.

28. When was the "Lusitania" last inspected and surveyed?—On the 17th March last.

29. Was that in Liverpool?—Yes.

30. Had you anything to do with the survey?—I had.

31. What have you to say as to the results of that survey as a general statement?—I was perfectly satisfied.

32. In every respect?—In every respect.

33. Are you able to give us information about the boats?—I am.

34. Will you look at this plan (*handing the same to the witness*). Does that plan indicate the number and the position of the boats on the "Lusitania"?—It does.

35. Can you tell me when the boats were last inspected?—By me on March 17th last.

36. Were they then as shown in this plan?—They were arranged as shown here.

37. What was the total boat accommodation?—Of the boats which were capable of being accepted at that time for the whole period for which the vessel was then being passed, the total capacity was 1,950. There were other boats on board of a capacity of 657, but which would not have been passable for the whole of the period of the certificate.

38. That means that over a limited period you would have passed them, but not indefinitely?—They were passable up to the 1st July next.

39. That is the July which is coming now?—Yes.

40. That would make a total boat accommodation for how many?—2,607.

41. When were the lifeboats last examined?—On that day.

42. Did you examine them?—I did.

43. I think you turned over singly and examined the crew's belts when those had been stacked in the crew's quarters?—I did.

44. Did you have the passengers' belts stacked in tiers of ten in the alley ways?—Yes.

45. Then did you examine them?—I did.

46. I think you found some 200 of them were short of tapes, and those you ordered to be replaced?—I did.

47. On the 15th April last did you visit the vessel in the Mersey before her departure on the last outward voyage in connection with the emigration survey?—I did.

48. Did you walk round the boat deck and make proper examinations on that occasion?—I did.

49. And I think you signed the Survey 27 after making that inspection?—I did.

The Attorney-General: I think it would shorten matters to put in the surveys, because they give the particulars, and the certificate of what I stated, the number of passengers certified for, and the crew. Those are the figures, and I think that bundle shows that everything was complied with. (*Handing in the same.*)

(*The witness withdrew.*)

CAPTAIN O. A. BARRAND, Sworn.

Examined by the SOLICITOR-GENERAL.

50. Are you Board of Trade Emigration Officer at Liverpool?—I am one of them.

51. Did you make an inspection of the "Lusitania" on April 16th last?—I did.

52. Did you make a full inspection on that day and on the 17th?—On both days.

53. What was the result of your inspection quite shortly; did you find everything satisfactory?—I was perfectly satisfied with everything.

(*The witness withdrew.*)

CAPTAIN WILLIAM THOMAS TURNER, Sworn.

Examined by the ATTORNEY-GENERAL.

54. Were you the Master of the "Lusitania"?—I was.

55. On the voyage from New York to Liverpool?—I was.

56. You started your voyage on the 1st May?—Yes.

57. I will not go into the particulars of the crew and

cargo, because we know what it was. What certificate do you hold?—Extra Master.

58. Have you got it?—The Company has it.

59. At the time when the ship started, so far as you know was she in good condition?—Yes.

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CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

60. And well found?—And well found.
61. Was she armed or unarmed?—Unarmed.
62. Had she any weapons of offence or defence against an enemy at all?—None whatever.
63. Or any masked guns?—None whatever.
64. Before you left New York was there boat drill carried out?—There was.
65. And fire and bulkhead drill?—And fire and bulkhead drill also.
66. Were these in accordance with regulations issued by the owners?—Yes, sir.
67. Can you tell me, during the voyage between the 1st May and the day when the ship was sunk, was there daily muster drill at the boats?—At the sea boat, one boat.
68. How often was that?—Once a day.
69. Tell us what course you came across?—I steered a course from Sandy Hook to 40°10' N. and 40° W., thence on a circle course to within 100 miles from Fastnet, and then steered about 20 miles south of Fastnet.
70. When you got to Fastnet how far out from the shore were you?—I estimate about 25 to 26 miles south of Fastnet; we did not see it.
71. On the morning of the 7th May was there a fog?—There was.
72. Up to what time?—I forget the time; I could not tell you.
73. Then we will prove that by another witness. Did it clear off?—It cleared off.
74. And being 25 miles, you say, off Fastnet, what did you do then?—We held up a bit, to make the land closer, to make out something, and we saw the Brow Heads shortly afterwards, and then, if I remember aright, we put her on her course again parallel with the land.
75. Do you remember the time she was struck?—My watch was 2.15; it stopped at 2.36½.
76. According to your statement, whereabouts was the ship at that time?—I estimate about 15 miles out.
77. Off where?—The Old Head of Kinsale.
78. Going to Liverpool?—Bound for Liverpool.
79. At the time was the weather quite clear?—Beautifully clear.
80. Was the sea smooth?—Quite smooth.
81. Do you know anything about the tide?—It was slack water.
82. How far were you from Liverpool at that time? If you cannot tell me I will get it from another witness.—Kinsale is about 255 miles, as near as I can remember.
83. I have a calculation here made, which I daresay you will accept, of about 240 miles.—From the Don Ship it is 240 miles to Liverpool.
84. And you say you were 250 miles away?—250 miles—that.
- 85.—At 2.15, at the time you were struck, what speed were you going at?—18 knots.
86. Can you tell me what was the average speed at which you had come from New York across?—About 21 knots.
87. What was the highest speed you were able to make if you put full speed on?—24½ or 25 knots.
88. Could you have made that during this voyage?—No, not under the condition of boilers.
89. That is what I want you to tell his Lordship. What was the condition of the boilers?—We were only working 19 out of 25.
90. Was that by the direction of the owners?—It was.
91. Where were you at the time when the ship was struck?—On the port side of the lower bridge.
92. Will you tell his Lordship and the Assessors in your own way what happened?—The officer called out "There is a torpedo coming, sir," and I went across to the starboard side and saw the wake, and there was immediately an explosion and the ship took a heavy list.
93. Could you observe where she was struck—which side first?—The starboard side.
94. Do you know where she was struck?—A big volume of smoke and steam came up between the third and fourth funnels, counting from forward—I saw that myself.
95. Did you say that you yourself saw the wake of the torpedo?—I saw a streak like the wake of a torpedo.
96. Somebody cried out that there was a torpedo?—Yes, the Second Officer, on the bridge.
97. When the ship was struck tell us what happened?—I headed her for the land to see if I could make the land.
98. Did she list?—Heavily to starboard.
99. Were you yourself thrown down?—No.
100. What did you do then?—Ordered the boats to be lowered down to the rails, to get the women and children in first.
101. Before doing that, did you go on to the navigation bridge?—Yes.
102. I want to take it in order, you know. You went up to the navigation bridge?—Yes.
103. What did you do then?—Put her head on to the land, and then I saw she had a lot of way on her and was not sinking, so I put her full speed astern, to take the way off her.
104. When you did that, was there any response from the engines?—None whatever.
105. What did you conclude from that?—That the engines were out of commission.
106. When you had ordered full speed astern and had headed her for the land, what did you do?—I told them to hold on lowering the boats till the way was off the ship a bit, which was done. I told the staff captain to lower the boats when he thought the way was sufficiently off to allow them to be lowered.
107. Did you notice any other concussion that would lead you to believe there was a second torpedo?—One immediately after the first.
108. When you told them to lower the boats, was there any difficulty about any of the boats?—They could not very well lower them on the port side because of the heavy list.
109. Can you give us a little more information as to the extent of the list?—I should say about 15 degrees.
110. What happened to the boats on the port side?—They caught on the rail and capsized some of the people out. Some were let go on the run, and some of them fell inboard on the deck and hurt some of the passengers.
111. Did you give any directions about the women and children?—I said "All women and children into the boats first," and I told them to lower them down to the rails.
112. Was there any panic on board?—Not that I saw.
113. How long was it from the time when the ship was first torpedoed until she sank?—I should think about 18 minutes. My watch was 2.10, and it stopped at 2.36½.
114. *The Commissioner*: You went into the water, did you?—Yes, my Lord.
115. *The Attorney-General*: How long did you remain on the bridge?—Until she went down under me.
116. You put on a lifebelt, I suppose?—Yes, I put on a lifebelt.
117. How long were you in the water?—That I do not know; I did not take the time.
118. I daresay it seemed a very long time?—Well, yes, it did.
119. Then were you picked up?—Yes, they picked me up in one of the ship's boats, and transferred me to the "Bluebell" trawler and landed me at Queenstown.
120. So far as you were concerned, or could observe, was everything done that was possible to get the boats out and save lives?—Yes, everything possible.
121. You got certain instructions from the Admiralty, I think?—I did.
- The Attorney-General*: I do not say more than that at the present moment; that I shall have to deal with later on.
- The Commissioner*: Yes.
- Mr. Butler Aspinall*: I have some questions to ask this gentleman, but I do not know whether your Lordship might not think it better that I should wait until the other interests have put their questions. It is the more usual course.
- The Commissioner*: By all means.
- Mr. Butler Aspinall*: and it may save time.

Examined by MR. ROSE-INNES.

Mr. Rose-Innes: I desire to put this question to the witness: whether the boats on the port side were swung clear or only lowered to the deck?

The Commissioner: Do you mean whether they were swung out?

Mr. Rose-Innes: Yes.

15 June, 1915.]

CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

122. *The Commissioner*: (To the witness) Were the boats on the port side swung out?—They were.

123. *Mr. Rose-Innes*: Did that apply also to the starboard side?—It applied to the starboard side.

Mr. Rose-Innes: The other questions I desire to put are such as cannot be put at the present moment having regard to your Lordship's ruling.

The Commissioner: I do not know what that means. What does it mean?

Mr. Rose-Innes: They have reference to the Admiralty instructions.

The Commissioner: I shall not, I think, allow you to put any questions about that.

Mr. Rose-Innes: No, my lord, I understand so, if the Inquiry takes place *in camera*. If we are excluded,

according to your Lordship's ruling, from so much of the Inquiry as takes place *in camera*, I cannot put them.

The Commissioner: No, I do not want to go into those matters at all now.

The Attorney-General: May I say as regards my learned friend, that if he has any communications he likes to make to me, I will consider what questions I can put upon them.

The Commissioner: You hear what the Attorney-General says, Mr. Rose-Innes: If there are any questions you would like to put you may submit them to him, and if we have to retire and hold any part of the Inquiry *in camera* he will consider whether they are questions which be ought to put.

Mr. Rose-Innes: I am obliged, my Lord.

Examined by MR. COTTER.

124. Is it a fact that you had boat drill in Liverpool before the ship left Liverpool?—Yes.

125. Is it the custom of the Cunard Company to give each member of the crew a boat badge with the number of his boat?—Yes.

126. Was that done on the last voyage?—It was.

127. Was the crew of the "Lusitania" proficient in handling boats, in your estimation?—No, they were not.

128. Were the stewards proficient in handling boats?—Just about the same as they all are now, as ships' crews go now.

129. Then your contention is that they are incompetent to handle boats?—They are competent enough—they want practice. They do not get practice enough, and they do not get the experience.

130. You say you had boat drill with one boat every day?—Yes.

131. Was that with the object of giving the crew some experience?—That is right.

132. How many boats did you carry on the "Lusitania"?—48.

133. How were they fixed on the decks?—They were swung in davits and landed on the deck on skids.

134. What kind of davits did you have?—Iron davits.

135. But what class—You know there are several classes of davits?—We had the Whelin davits and the ordinary davits.

136. Where were the Whelin davits situated on board?—Both sides, starboard and port, about amidships.

137. Had you any Whelin davits aft—on the after deck?—I forget now whether there were or not.

138. How many Whelin davits had you on the port side?—I do not know whether there were any or not of that pattern.

139. You know the class of davit I mean?—Yes, I know the class of davit you mean.

140. When you gave the order to lower the boats to the rail, were the crew then attending to the various boats?—Yes, they were.

141. Did you notice if they had any difficulty?—Lots of difficulty, owing to the list.

142. The difficulty was owing to the list?—Yes.

143. The boats swung in-board?—No; they leaned against the ship's side; some swung in-board.

144. The result was that there would be difficulty in loading them with people and getting them to the water's edge?—Quite right.

145. Did you see any accident to any of the boats?—Yes, they dropped one down the after end.

146. Did you see any boat actually lowered, with passengers in it, into the water on the port side?—Yes.

147. Coming to the starboard boats, were they swung out?—They were.

148. When she took the list, did they swing further out?—Naturally.

149. They were not lashed to the side?—No.

150. Did you notice whether the passengers had any difficulty in getting into them?—No, I did not notice that.

151. They would have difficulty, would they not?—No doubt they would have a slight difficulty.

152. When did you issue any orders with regard to bulkhead doors?—I issued those earlier in the morning.

153. I mean after the ship was struck?—All the bulkhead doors were closed.

154. Did you order them to be closed?—Yes.

155. Do you know whether they were closed as a matter of fact?—It was reported to me that they were.

156. By whom were they closed?—By those connected with each department, the stewards' department.

157. Did you notice whether any of the stewards were giving lifebelts out to the passengers?—I believe so.

158. What class of lifebelts did you carry?—The body lifebelts and the cork lifebelts.

159. Where were they situated as regards the first, second, and third class?—In racks.

160. Did you have any buoy lifebelts for the third class?—Yes.

161. As well as the first class?—Yes.

162. Would the passengers know where to get them?—Yes, and there were notices in the rooms where to get them, and how to put them on.

163. Were the crew assisting to put the lifebelts on the passengers?—I understand they were.

164. And your orders were carried out as far as it was possible to carry them out?—Yes.

165. Owing to the list of the ship was it very difficult to carry them out?—In some instances.

166. How long after she was struck did she heel over so that it was impossible to stand on the deck?—Almost momentarily; within 10 seconds I should think.

167. In 10 seconds it was impossible to stand upright on the deck?—Yes.

168. Then it must have been very difficult for any member of the crew to do their duty at all?—It was.

Examined by MR. CLEM EDWARDS.

169. At the time you were struck were you steering a perfectly straight course?—As straight as you can steer.

170. To get the maximum speed how many of your boilers ought to be fired and linked up?—Eighteen knots we were going.

171. Yes, but to get your maximum speed out of the "Lusitania," which you said was 24½ to 25 knots?—Yes.

172. To get that maximum speed how many of the boilers had to be fired?—Twenty-five.

173. At the time you were struck how many of the boilers were in fact fired?—Nineteen.

174. Was it a matter within your discretion, or was it in consequence of orders from your owners that you had only nineteen of your boilers fired?—Orders of the owners.

175. So that at that time if you had thought it the right thing to keep full speed ahead you could not have attained anywhere the maximum speed of 24 to 25 knots?—No: 21.

176. 21 knots was the maximum you could have got?—With 19 boilers, yes.

15 June, 1915.]

CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

Examined by MR. DONALD MACMASTER.

177. On the morning of the 7th May were you aware that you were in a danger zone?—I was.

178. And that you might possibly be subject to a torpedo attack?—Yes.

179. Did you give any special instructions or take any special precautions with a view to observing whether submarines were in the neighbourhood on the morning of the 7th May?—I did. I gave orders to the engineers

in case I rang full speed ahead to give her extra speed.

180. Did you give orders to look out for submarines?—The look-outs were already doubled.

181. Can you tell me about how far the vessel travelled from the time she was struck until she ultimately went down?—Probably two to three miles.

182. Did she keep her head?—She had headway when she was going down.

Examined by MR. BUTLER ASPINALL.

183. You told us you hold an extra Master's Certificate?—Yes.

184. How long have you held that certificate?—Since 1897.

185. How long have you been in the service of the Cunard Line?—Since April, 1883.

186. How long have you served as a Commander with them?—Since 1903 I think; I am not sure.

187. Have you been in command of the "Aquitania"?—I have.

188. Is that their largest vessel?—It is.

189. In addition to commanding the "Lusitania" and the "Aquitania," have you been in command of several other large vessels of theirs?—I have.

190. On the "Lusitania," in addition to yourself, did you have a second captain, as it were?—Yes.

191. What was his name?—Anderson.

192. He has unfortunately been lost, has he not?—I am sorry to say, yes.

193. He was as it were a reserve captain, was he?—Yes.

194. I have very little to ask you; but in consequence of information that had been received with regard to submarines, were you taking extra precautions?—I was.

195. On the morning of Thursday, 6th May, the day before the catastrophe, were your boats swung out ready for lowering?—Yes, at 5.30 in the morning.

196. And was everything in readiness?—Everything was in readiness.

197. In addition to that had you given special instructions to Captain Anderson to see that all bulkhead doors were kept closed?—I did.

198. As far as you know did he give effect to your orders?—He reported to me that he had done so.

199. You have told us in general language that you doubled the look-out?—Yes.

200. Where was the look-out being kept?—Two in the crow's nest and two in the forecandle head—in the eyes of the ship.

201. In addition to that were there several officers on the bridge?—There were two officers on the bridge and a quartermaster on either side with instructions to look out for submarines.

202. I have been asked to ask you this question: What was the draught of the "Lusitania"?—About 33 feet 10 inches approximately.

203. You told the gentleman who sits behind me that in your view the crew of the "Lusitania" were not proficient in handling boats.

The Commissioner: Not efficient.

204. *Mr. Butler Aspinall:* I want you to explain that a little. Is it your view that the modern ships, with their greasers and their stewards and their firemen, sometimes do not carry the old-fashioned sailor that you knew of in the days of your youth?—That is the idea.

205. That is what you have in your mind?—That is it.

206. You are an old-fashioned sailor man?—That is right.

207. And you preferred the man of your youth?—Yes, and I prefer him yet.

208. With regard to dealing with the boats on this occasion as you said the boats were ready to be used?—All ready.

209. But the three big difficulties that the sailors had to deal with were the fact that the ship had got the list —?—That is right.

210. And that the ship had got headway on her which could not easily be stopped?—That is right.

211. And that the time was short?—Yes.

Mr. Rose-Innes: May I ask whether the log was saved.

The Attorney-General: No, it was not. I asked for it long ago.

212. *The Commissioner:* (*To the witness.*) I suppose everything went down with the ship?—Yes, my Lord.

The Attorney-General: I do not know whether it would be convenient now to finish this witness.

The Commissioner: You must follow your own course. You know better than I do.

The Attorney-General: I should like to finish him now, because it seems to me, having regard to the questions put, that this is the main point, and I do not want to be calling witnesses as to matters which are not material.

213. *Mr. Butler Aspinall:* I have been asked at this stage if I might ask the witness these two questions on behalf of a gentleman sitting at the back. (*To the witness.*) Is it within your knowledge that the passengers were helping as far as they could?—It is—interfering you should say.

Mr. Butler Aspinall: I did not ask you that.

The Commissioner: (*To the witness.*) That was not what you were asked to answer.

Mr. Butler Aspinall: I do not mind the answer, but they no doubt were desirous of helping although it may be they were hampering?

The Witness: Yes.

214. I have also been asked to ask you this: Do you know of your own knowledge what part, if any, Mr. Vanderbilt was taking in the helping?—I never saw the gentleman.

(*The witness withdrew.*)

The Commissioner: Now, Sir Edward, I think the more convenient plan would be for us to adjourn into another room.

The Attorney-General: If your Lordship pleases.

The Commissioner: And I can tell you the gentlemen who, I think, will be there; you, Mr. Attorney, and your juniors, you, Mr. Aspinall, and your juniors, and the Court. Sir Ellis Cunliffe, of course, can come in, and the gentleman instructing Mr. Aspinall.

The Court adjourned to sit in camera.

In the Wreck Commissioner's Court.

CENTRAL HALL,

WESTMINSTER, S.W.

Wednesday, 16th June, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,

Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,

CAPTAIN D. DAVIES,

LIEUT.-COMMANDER HEARN,

CAPTAIN J. SPEDDING,

Acting as Assessors,

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "LUSITANIA."

SECOND DAY.

The Attorney-General (THE RIGHT HON. SIR EDWARD CARSON, K.C., M.P.), The Solicitor-General (THE RIGHT HON. SIR F. E. SMITH, K.C., M.P.), MR. P. J. BRANSON, and MR. DUNLOP (instructed by Sir Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. LAING, K.C., and MR. A. H. MAXWELL (instructed by Messrs. Hill, Dickinson and Co., of Liverpool) appeared as Counsel for the Owners, the Cunard Company, and the Captain.

MR. DONALD MACMASTER, K.C., M.P. (instructed by Messrs. Charles Russell & Co.), appeared as Counsel for the Canadian Government.

MR. G. A. SCOTT appeared on behalf of the representatives of the late Mr. Alfred Gwynne Vanderbilt, a passenger.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. H. Z. Deane), appeared on behalf of Mrs. Ellen Conghlan,

widow, and the representatives of between sixty and seventy, first, second and third class passengers.

MR. ROSE-INNES, K.C., and MR. H. W. WICKHAM appeared on behalf of Mr. Crichton and certain passengers (instructed by Messrs. Thorne and Co., and Messrs. C. H. Wallon & Hurd).

MR. THOMAS PRIEST, appeared for Mr. H. B. Lasseter and others.

MR. COTTER appeared on behalf of certain representatives of the crew.

MR. CLEM EDWARDS, M.P., appeared on behalf of the National Union of Sailors and Firemen (instructed by Mr. Alexander Smith).

MR. W. L. MARSHALL (General Secretary), appeared on behalf of the Marine Engineers Association.

Mr. I. D. LANGTON appeared on behalf of the representatives of Mr. Charles Frohman and of Mr. and Mrs. Charles Fowles.

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16 June, 1915.]

MR. ALFRED ALLEN BOOTH.

[Continued.]

MR. ALFRED ALLEN BOOTH, SWORN.

Examined by the ATTORNEY-GENERAL.

215. Is your name Alfred Allen Booth?—Yes.

216. Are you Chairman of the Cunard Line, the owners of the "Lusitania"?—Yes.

217. After the outbreak of war was there any change made by the Company about running ships?—Could you make that question a little more detailed?

218. Yes. It was said here yesterday that only certain of the boilers were used on the "Lusitania" during the voyage we are enquiring into?—That change was made, not at the outbreak of the war, but in November, I think.

219. Tell us why the change was made?—After the rush of homeward-bound American traffic was over, and that came to an end towards the end of October, it became a question as to whether we could continue running the two large steamers the "Lusitania" and the "Mauretania" at all or not. We went into the matter very carefully and we came to the conclusion that it would be possible to continue running one of them at a reduced speed, that is to say, that the traffic would be sufficient, but only sufficient to justify running one steamer a month if we reduced the expense.

220. You mean to run it with a profit, of course?—To run it to pay expenses. We did not hope to make any profit, and as a matter of fact we did not make any profit.

221. What was the reduction of speed that you decided upon?—We decided to run the "Lusitania," not the "Mauretania," at $\frac{3}{4}$ -boiler power, and that meant a reduction of speed from an average of about 24 knots to an average of about 21 knots.

222. I want to have it on the notes; that, of course, would result in a reduction of the consumption of coal?—It would result in a considerable reduction in the total consumption of coal, and also a reduction in the number of men required for the crew, both of which were important.

223. *The Commissioner*: Did you say a reduction of 25 per cent. in speed?—I said we ran her with $\frac{3}{4}$ -boiler power, and there was a reduction of 25 per cent. of boiler power, but that does not mean a reduction of 25 per cent. in speed.

224. Is the reduction from 24 to 21 knots equivalent to a reduction of 25 per cent. of boiler power?—Yes.

225. I do not know how you calculate it; I should have called it a reduction of $\frac{1}{4}$ th?—A reduction of $\frac{1}{4}$ th on the speed, but the power required for different speeds does not necessarily vary directly with the speed.

226. If you reduced the boilers from 24 to 21, would the effect of that be to reduce the speed 25 per cent.?—No.

227. Then what is the 25 per cent. you speak of?—25 per cent. is the number of boilers out of the total number of boilers which were not used.

The Commissioner: There were six not used.*The Attorney-General*: Five, my Lord.*Witness*: It depends on whether you count double engine or single engine boilers.

228. It was I think put generally yesterday, but will you tell us exactly what was the reduction first in boiler power?—My recollection is that the number of boilers used was 18 out of a total of 24, which is three-quarters, 75 per cent., and that as a matter of fact that reduction of power means bringing the speed down from 24 to 21 knots. That is a matter of fact; we knew it from the models made when the ship was built, and also from actual running experience when we have run the ship at reduced speed in the past.

229. *The Commissioner*: The number of boilers and the figures in reduction of speed, do not appear at sight to correspond?—They never would. The higher the speed the greater the increase of power required. For instance, to run at 18 knots the ship requires very little over half full boiler power.

230. And every knot that you increase requires a larger percentage of driving power?—That is right.

231. *The Attorney-General*: And a larger percentage in proportion, as I understand?—Yes.

232. What reduction did the closing of these boilers make in the number of firemen and trimmers?—It reduced the number of firemen and trimmers roughly in the same proportion:—25 per cent; not exactly, because there are certain charge hands who would be necessary in any case, such as the Leading Stoker on the Watch, and so on.

233. Had the "Lusitania" made other voyages under the same conditions?—She had been running under those conditions since November. May I put on the Notes the exact number of voyages, because I have it here—five voyages before the voyage on which she was lost.

234. Do you mean five voyages altogether, or five outwards and five homewards?—Five round voyages.

235. With that boiler power you have told us, and we have been told that they got an average maximum speed of about 21 knots?—That is right.

236. Is that as fast or faster than most Atlantic-going steamers?—That is considerably faster than any Atlantic steamer which was running during last winter or is running now.

237. With reference to that, were you aware when the "Lusitania" was preparing for this voyage from New York to Liverpool of threats being made by the Germans to attack her with submarines?—Do you refer to the threats advertised in the American papers?

238. I have not referred to anything in particular. I want to know whether you had information that threats were being made of her being attacked by submarines on this particular voyage?—I do not think I heard anything about the special threats made in New York until the Sunday morning after she had sailed. I have been trying to remember whether I heard on the Saturday. I cannot remember whether I did, but I understand the threats were published in New York on the Saturday morning. Therefore, I do not think I could have heard until the Saturday evening at the earliest. I certainly remember knowing it on the Sunday but not on the Saturday.

239. Before that, had you had any information of submarines being on the route on which your ships were travelling?—Yes.

240. After you learned that, did you have any consultation either amongst you and your directors or those employed by you as to whether it would be right or not to increase your speed?—I should not generally put a subject of that kind down for specific discussion at a Board Meeting or a Committee Meeting of Directors. I am in constant touch with them every day and with my Managers, and I have no recollection now of any specific discussion on that point, I am quite sure if there had been we should have felt that we could not make any difference in our action. It was a question of either running the "Lusitania" at 21 knots or not running her at all; and I know my own view would have been strongly against withdrawing the ship entirely on the submarine threat, and I think that I must in conversation with my Directors have learned that that was also their view. Certainly, it was taken for granted as far as I am concerned.

241. Let me put this to you. Had you information that in reference to avoiding submarines speed was a matter of great importance?—I had my own opinion that speed was a factor of great importance in avoiding submarines.

242. Had you also had skilled information about that?—I do not think that is a matter on which I would require any skilled information.

243. Then may I take it that at the time the "Lusitania" left New York you were fully alive to the importance of the factor of speed in relation to the journey, so as to avoid submarine attack?—Yes.

244. Being so alive to that, do you tell his Lordship that you had no consultation of your Board or any consultation as to whether you would, having regard to that fact, increase the speed for the journey, by using the five boilers?—That question, if it had arisen at all, would have arisen in February when

16 June, 1915.]

MR. ALFRED ALLEN BOOTH.

[Continued.]

the first submarine attacks were made, and my view and the view of my Directors was that the "Lusitania," being in fact the fastest ship that was running, the difference between 21 and 24 knots was not material so far as avoiding submarines was concerned.

245. Would you say the difference between 18 and 24 knots was not material?—It is very difficult to say exactly where one would draw the line. No steamer so far as I know of over 14 knots had been caught by a submarine at all.

246. May I take it as the result of what you have told us, that while you were fully alive to the question of speed you had no special consultation as to whether you would increase the speed?—That is right.

247. When did you first become aware of the announcement of the Germans that they were going to try and sink passenger vessels and merchant vessels with submarines—I mean as a declared policy?—When the German submarine blockade was declared as a declared policy.

248. That was in March?—That was in March, but as a matter of fact submarines had appeared in Liverpool Bay before that—in February, I think.

249. You became aware I suppose at the time the Germans issued their declared policy of the fact?—Yes, I became aware of it when in fact they were doing it.

250. I was asking when you became aware of their declared policy. First I understand you knew submarines were infesting the route?—Yes.

251. Then you afterwards became aware that it was the declared and announced policy of the German Government to try and sink passenger and merchant ships?—Yes.

252. When that policy was announced, did you have any consultation with your colleagues as to whether you ought to make any change?—Yes, we discussed it, but we were not prepared to make any change at all.

253. *The Commissioner*: The "Lusitania" was hit on the starboard side, was she not?—Yes.

254. Have you any information at all as to whether she was pursued by the submarine. The submarine, you know, appeared on her starboard side?—As far as I have been able to make the story out the submarine was not seen at all.

255. But was there any reason to suppose that she was pursuing the ship, as far as you know?—I should say she cannot have been pursuing the "Lusitania." If she had been pursuing her she must have been on the surface and must have been seen.

256. The point is this—whether, supposing you had had the extra six boilers in commission so that you could have got up a speed of 24 knots, it would in this particular case have made any difference?—I cannot see that it would. The submarine was in the right position.

257. Then I understand you to say that so far the experience of shipowners is that a submarine cannot effectively chase a boat that is making more than 14 knots?—That had been the experience at that time, and I do not know of any other case since either.

258. Is it the experience of the present?—I think so.

259. I do not know, but the "Falaba" was travelling at between 13 and 14 knots, and in that case the submarine was overtaking her fairly rapidly, and the evidence there was that the submarine was making about 18 knots?—I knew of several cases of vessels of 14 knots that had been chased and got away.

260. *The Attorney-General*: You told me, I think, that the day after the "Lusitania" sailed you heard of the special threats by advertisement in America, I believe, to sink the "Lusitania"?—Yes.

261. Did you after that take any steps?—We were unable then to communicate with the ship in any way ourselves.

262. I only want to know what happened. Did you take any steps after that. You say you did not communicate with the ship?—We could not communicate with the ship.

263. *The Commissioner*: Why not?—Because only the Admiralty could communicate with the ship.

264. Could you not send a marconigram to the ship?—No.

265. Why not?—We could only ask the Admiralty to send a message for us.

266. You could do that?—Yes.

267. *The Attorney-General*: Did you make any communication to the Admiralty?—Not at that time.

268. Not till after the accident, I think?—Not till the Friday morning.

269. *The Commissioner*: Were there any means on board of putting the six boilers in commission. Do you follow what I mean?—Temporarily; they could not have been worked throughout the voyage.

270. But could you have got those six boilers at work by a message to the ship or would you have had to do something before leaving port?—She would not have coal on board to make the voyage with full boiler power, and she would not have the crew to fire those extra boilers; that was out of the question.

271. *The Attorney-General*: Did your company give any special directions to your officers with reference to submarines?—We discussed the submarine danger with the individual captains—either I or my immediate assistant in every case, but the discussion had necessarily to be of the nature of making sure that they realised what the general dangers were. We could not venture to give specific instructions when in an emergency they would be in possession of facts which could not be in our possession, and we felt it would be very dangerous to attempt to give specific instructions when the circumstances might make those instructions absolutely dangerous to follow.

272. May I take it your answer is that for the reasons you have given you gave no instructions?—No specific instructions.

273. I do not know what you mean by that. Did you give any instructions?—We discussed the general form the danger would take and the general methods whereby it could best be avoided. One of the particular points of course was the question of closing the watertight doors when in the danger zone, swinging out the boats, seeing that all the ports were closed, seeing that everything was ready in the boats; and another point was the danger of stopping in the danger zone to pick up a pilot or stopping at the Liverpool Bar to wait for the tide to rise.

274. Then may I take it that you did with Captain Turner discuss those points?—Yes—not I, personally. In that particular instance it was the General Manager who did it.

275. But you are aware that it was done?—Yes.

276. I suppose you received the Admiralty suggestions and passed them on to Captain Turner?—They go direct to the captains; they do not go through the steamship company.

277. They go direct from the Admiralty?—They go direct from the Admiralty.

278. Do you ever see them yourself?—I do see them myself, some of them at any rate, being on the Committee of the Liverpool and London War Risks Association. I do not think I necessarily see them all, but I know, generally speaking, the kind of instructions that are being sent.

279. At all events, you had no communication with Captain Turner with reference to any instructions from the Admiralty?—No.

280. Was the question of when the ship should arrive at the bar at Liverpool settled by you or suggested, or how was it left?—That was left in this way. It was one of the points that we felt it necessary to make the Captain of the "Lusitania" understand the importance of. The "Lusitania" can only cross the Liverpool Bar at certain states of the tide, and we therefore warned the captain, or whoever might be captain, that we did not think it would be safe for him to arrive off the bar at such a time that he would have to wait there, because that area had been infested with submarines, and we thought therefore it would be wiser for him to arrange his arrival in such a way, leaving him an absolutely free hand as to how he would do it, that he could come straight up without stopping at all. The one definite instruction we did give him with regard to that was to authorise him to come up without a pilot.

281. Can you tell me or can you fix the time at which he could have come into Liverpool on the morning of the 8th?—I am afraid I do not remember that now.

282. I suggest he could have come at any time from 4 a.m. up to 9?—I have not got that in my head.

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Mr. ALFRED ALLEN BOOTH.

[Continued.]

The Commissioner: Then, Sir Edward, it would not have been wise, according to what you suggest, for the ship to have arrived before 4 o'clock in the morning.

283. *The Attorney-General:* No, my Lord. (*To the witness.*) There is only one other matter. On Friday morning, the 7th May, that is the day on which the "Lusitania" was sunk, had you heard of certain ships being sunk in St. George's Channel?—Yes.

284. What ships were they?—Two steamers of the Harrison Line; the "Candidate" and "Centurion," I think they were.

285. They had been sunk the previous day, I think?—They had been sunk the previous day.

286. Did you take steps to send a message to the

"Lusitania" to inform them on board of that fact?—Yes.

287. That is, I suppose, you went to the Admiralty?—We went to the Admiral or the Senior Naval Officer in Liverpool and asked him to send a message. We, of course, did not venture to send any message to the captain as to how he should proceed, because the Admiralty might be doing that, or the captain might know a great deal more about it than we did. We merely asked the Admiralty to convey the fact that these ships had been sunk.

288. But I think you are of opinion, having regard to the time when you asked that should be done, the information could not have arrived in time?—I think it did not arrive in time.

Examined by Mr. WICKHAM.

289. What was the number of passengers carried on the "Lusitania" at normal times?—I am afraid that question is very much too vague. It depends on the season.

290. I put it to you that the number was practically the same as on normal occasions on this particular occasion?—No, that was not so.

291. How do you say it differs. The figures are there were 290 saloon passengers. On ordinary occasions, I put it to you, there are only about 300?—First class?

292. Yes?—Then the second class.

293. Of the second class there were 600. What do you say would be the ordinary number?—Anything from 400 to 500.

294. Then do you agree that the number of passengers on this particular voyage of the "Lusitania" was normal?—No, because you have left out the third class passengers.

295. The number of third class was 267 on this occasion?—The normal number would be about a thousand.

296. You spoke just now about authorising the Captain to come up without a pilot. Have you ever authorised a captain to come up without a pilot in pre-war times?—I cannot remember.

297. Have you ever on any occasion; or has your Company, paid the fines of the captains when they have disobeyed the orders as to coming up without a pilot?

Mr. Butler Aspinall: I do not know whether this question, or the answer which Mr. Booth might give, would be of any value to your Lordship.

The Commissioner: Will you repeat your question, Mr. Wickham, and do you mind telling me, so that I may follow your questions, what it is you are aiming at?

Mr. Wickham: Yes, my Lord. The witness said that on this occasion he had authorised the Captain to come up without a pilot.

The Commissioner: Tell me what it is you want to establish.

Mr. Wickham: I want to know if prior to the war captains had been authorised to come up without a pilot, and if so, I shall submit, and shall prove later on in evidence, that the Company have paid the fines for their doing so.

The Attorney-General: Of course anything that is relevant should be gone into; but there is no allegation that he ought to have had a pilot on board at the time, or till long subsequent to the time when the ship was torpedoed. I mean, it ought not to go as a suggestion that at this particular time there ought to have been a pilot on board, because it is not so.

Examined by Mr. DONALD MACMASTER.

299. Was Captain Turner the regular captain of the "Lusitania" at the time of the accident?—Captain Turner was making his second consecutive voyage in the "Lusitania," and he had been in the "Lusitania" before.

300. I understand he had been in the "Lusitania" before, but at the time and during the preceding

The Commissioner: If I knew what it was you were aiming at, Mr. Wickham. What is it you have in your mind? because I do not know.

Mr. Wickham: First of all, the difficulty, of course, is the meeting *in camera*; but certain questions were written out by my learned leader Mr. Rose Innes, and I understood that Sir Edward Carson would ask them during the inquiry, and if those questions were put before your Lordship, you would at once see the object of my enquiry.

The Commissioner: Cannot you tell me the object of your enquiry without divulging any secrets?

Mr. Wickham: They were written by my learned leader, and he considered that the questions were not proper.

The Commissioner: I have not seen them.

The Attorney-General: My friend is entirely in error, as your Lordship will see, and I asked every question.

The Commissioner: Would you like to see these questions, Mr. Wickham?

Mr. Wickham: I did see them before they were handed to Sir Edward Carson.

The Commissioner: Do you remember them?

Mr. Wickham: Yes, my lord.

The Commissioner: Will you tell me what they were?

Mr. Wickham: They are in connection with a conversation with a lady, and as to the pilot, and also in connection with certain instructions from the Admiralty.

The Commissioner: I see nothing about a lady in them.

Mr. Wickham: There is only one other question I want to ask.

The Commissioner: Do not think that I want to prevent you from putting questions, but I want to keep the inquiry, if I can, within legitimate limits.

298. *Mr. Wickham:* It goes to show whether the captain had on other occasions disobeyed orders; because it is his duty to take a pilot on board, and if he disobeyed the order on this occasion, I submit it tends to show that he disobeyed the Admiralty wireless instructions. (*To the witness.*) Did your company itself, independently of the Admiralty, take any steps whatever to prevent the vessel doing what she did do, that is, appearing in the war zone at the scheduled time?—I do not know. What does scheduled time mean? I really do not understand.

Mr. Wickham: In other words, she arrived there when the submarine was waiting for her.

voyage the regularly appointed captain was Captain Dowe, was he not?—Captain Dowe had been in command of the ship for several months and was tired and really ill, and I decided that he should stay ashore for a rest; but I never considered that Captain Dowe was the specially appointed captain of the "Lusitania." The captains go in whatever ships the Board decides.

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MR. ALFRED ALLEN BOOTH.

[Continued.]

301. On this occasion, at all events, Captain Turner took the ship out to New York and was bringing her back, and he was a substitute for the time for Captain Dowe?—The voyage before that change took place, Captain Turner went in place of Captain Dowe.

302. Had you in Liverpool any communication whatever with Captain Turner during the voyage from New York homewards?—None whatever. As I understand, the message I asked the Admiralty to send him was not received.

303. Had you no communication from him?—He had strict instructions not to use his wireless unless absolutely necessary.

304. I did not ask you that, quite. I asked you whether, as a matter of fact, you had any communication from him during the voyage?—During the homeward voyage?

305. Yes?—No, I cannot remember receiving anything.

306. You received nothing from him?—No.

307. Did you receive anything from your New York office with regard to the threat that the destruction of the ship was contemplated during the voyage?—We received it by letter afterwards. Do you mean by cable?

308. *The Commissioner*: No, no. The ship having left on the Saturday, you knew on the Sunday that there had been in New York threats to wreck her?—Yes.

309. I do not know how you received that information?—In the newspapers. I do not remember receiving it through the agents.

310. Do you mean from newspapers published in England?—From newspapers published in England; that is my recollection. I do not remember receiving anything from the New York office by cable.

311. *Mr. Macmaster*: It is rather an important matter. I suggest to you that if you received a cable message or a wireless message from New York with reference to this threat, you probably would remember it?—I think I probably should, yes.

312. What do you say now is the final balance of your mind on that point?—That I did not receive it.

313. Do you file messages from your New York office at your Liverpool office?—Yes; all communications received from the New York office are filed.

314. When did you first hear that the "Lusitania" was struck?—On the Friday afternoon.

315. How did you hear that?—The General Manager brought me a telegram which stated that the "Lusitania" had been struck by a torpedo and was sinking.

316. A telegram from whom?—I cannot remember.

317. Have you got that telegram among your records in the office at Liverpool?—Yes.

318. Did you receive any despatch in relation to the destruction of the ship from the captain?—No.

319. *The Commissioner*: Do you know how long the captain was in the water?—I understand for over three hours. I think the message came from one of the wireless stations, or from a Lloyd's station. It was from some public body, at any rate.

320. *Mr. Macmaster*: What I wish to know is, was the wireless apparatus on the steamer in such a condition that a report could be made to your office from the steamer after the accident?—No, because the wireless messages sent by the steamer are all received by the wireless stations on shore and passed through the Admiralty. I understand that nothing comes to us except what they allow to come.

321. Do you know whether any message was sent from the steamer after she was struck?—To the office?

322. To anywhere.—I believe not. The S.O.S. was sent out. I presume you will have that in evidence later.

323. *The Commissioner*: I do not understand that. Some information reached some public body, who communicated it to you, to the effect that the "Lusitania" was sinking?—Yes.

324. How do you suggest that that information would come to the public body unless it was sent

from the "Lusitania" itself?—It did come from the "Lusitania" itself.

325. Then how could it come except from the Marconi room?—It did come from the Marconi room, not addressed to any one in particular, it was the S.O.S. sent out broadcast, but picked up by the shore station, and the message was sent by this shore station, Marconi or Lloyds, to us.

326. Were the Marconi operators saved?—One certainly was, because I have seen him.

The Commissioner: Is he here?

The Attorney-General: Yes; I am going to call him.

327. *Mr. Macmaster*: Had you on the "Lusitania" any device or contrivance by which either the presence or approach of a submarine could have been detected?—No.

The Commissioner: Could you suggest, because it might be useful, what sort of a device?

Mr. Macmaster: I understand that there are appliances.

The Commissioner: Can you tell us of one?

Mr. Macmaster: I put the question in a general form.

The Commissioner: I know you did, but I want to be particular. Tell us of this device which you refer to.

Mr. Macmaster: I thought perhaps the witness was better informed on the subject than I am.

The Commissioner: But has the witness informed you, because if so, do tell us.

Mr. Macmaster: He has not informed me, my Lord. (To the witness.) Was there any device at all?

The Attorney-General: For what?

The Commissioner: The question is whether there was any device whatever on board the "Lusitania" for apprising the people on board of the proximity or approach of a submarine, and if there was, I am very anxious to know it.

Mr. Macmaster: If your Lordship will permit me, I will put the question in this way: Was there any device or contrivance on board by which those in charge of the ship could detect the presence or approach of a submarine?

The Commissioner: That is exactly what I understood you to put, and I want you to tell us, if you can and will, what sort of a device you mean.

The Attorney-General: There are things called hydrophones, I am told.

The Commissioner: What is a hydrophone? Have you heard of a hydrophone?

Mr. Macmaster: I am not skilled, but I am informed that it is possible to detect the approach of a submarine.

The Commissioner: Will you tell us who has told you?

Mr. Macmaster: I will tell your Lordship, because your Lordship has asked me, although the communication was made to me privately; but under the circumstances I feel justified in telling your Lordship. The gentleman who told me that it was possible to detect the presence of a submarine is Sir William Van Horne, one of the most learned men of the day.

The Commissioner: Have you got him in Court?

Mr. Macmaster: No, my Lord.

The Commissioner: Are you going to bring him?

Mr. Macmaster: It is not my business to bring him into Court.

The Attorney-General: I beg your pardon; you ought really to give us all the information you can. If there is any danger in not having any appliance on board, or it is so suggested, it ought to be made by a skilled witness, and we will welcome any such evidence.

The Commissioner: I agree. It is of public importance. If this gentleman can tell us how to detect the presence of submarines, he should come and tell us.

Mr. Macmaster: No doubt, my Lord. I do not wish to place myself in opposition to your Lordship's opinion in any way, but I did think that if anybody knew anything about such an appliance, this witness would, and that is the only reason why I put the question.

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MR. ALFRED ALLEN BOOTH.

[Continued.]

Examined by MR. THOMAS SCANLAN.

328. I understand you to have stated in answer to the Attorney-General that although the crew was less than at ordinary times it was capable of firing and working all the boilers temporarily?—By calling out the watch that was off duty the remaining boilers could be fired.

329. Are you not well aware that the ship had on board a sufficient supply of coal to enable all the boilers to be fired temporarily?—Yes.

330. You appreciate in regard to the importance of speed as a factor of safety, that where you most wanted speed was when the ship came into home waters—into the region known to be infested by submarines?—That is the only place where the submarines could be expected to be, of course.

331. And that is the only place where speed mattered?—Where speed would be a factor at all, as far as submarines were concerned.

The Commissioner: Will you tell me what speed could have done on this occasion.

Mr. Scanlan: I heard your Lordship's questions and the witnesses answers on the subject of speed.

The Commissioner: But will you tell me what difference speed would have made on this occasion.

Examined by MR. COTTER.

334. What is the custom in normal times with regard to taking on a pilot. Where do you take them on?—At Point Linan.

334A. That is, if you do not call at Queenstown?—Yes.

334B. If you do not call at Queenstown you take them on at Daunt's Rock?—Yes.

335. Is it the custom of your Company to issue orders to your captains in regard to boat drill and bulkhead-door drill on board your passenger ships?—Yes.

336. Had Captain Turner those instructions?—Yes.

337. Is there a crew list put up on board your ships?—Yes, showing boat stations.

338. And also on that list are there printed bulkhead-door stations, fire stations, &c.?—Yes.

339. Was that done on the "Lusitania" to your knowledge?—Yes.

340. Have you ever seen a boat drill on board one of your ships?—Yes.

341. Have you ever had any report from your captains that the crew of any of your passenger ships were incompetent to handle the boats?—The crews as to individual members vary.

342. That is not my question. Have you ever had a general report from any of your captains that the crew were incompetent to handle the boats?—No, no general report.

343. Have you found your crews as a rule, competent crews to handle boats?—On the whole they have been very willing.

344. And been able to do the work?—Yes.

345. Have you received any report from Captain Turner since the "Lusitania" disaster, that the crew was incompetent to handle the boats?—No. Might I say, my Lord, that since the war—

346. *The Commissioner:* I think you had better not. I think you had better answer the questions?—Very well, my Lord.

347. *Mr. Cotter:* Since the war broke out you have had a different class of men on board the ships, I take it?—Yes. We have lost all our R.N.R. and Fleet Reserve men.

348. And you have had to take on the best you can get?—We have had to take on the best we could get and train them as best we could in the time at our disposal.

349. What kind of davits had you on board the "Lusitania"?—The ordinary quarter circle davit.

350. Had you any patent Welin's davits on board?—No.

The Commissioner: I thought Mr. Cotter, the captain, said they had some.

351. *Mr. Cotter:* That is what I wanted to clear up, and I was going to ask you to call the captain

Mr. Scanlan: I will not venture to set myself up as an expert on speed.

The Commissioner: But this submarine approached the "Lusitania" on the starboard side, and apparently, as far as we know at present, quite suddenly; it came up out of the water and within a few seconds sent a torpedo into her.

Mr. Scanlan: And torpedoed her once or twice.

The Commissioner: Yes. We are told two torpedoes were sent in, one after the other. Unless you have some good point about the speed, please do not spend too much time over it.

332. *Mr. Scanlan:* I hope I have not occupied too much time. (*To the witness.*) I put it to you, that you realised the importance of having the speed increased was when the ship was in the position in which she was actually when she was torpedoed?—For the purpose of getting away from a submarine which might chase her.

333. And you took no means to communicate with the captain and ask him to run the ship at a maximum speed in this danger zone?—No.

back. I think he made a mistake. (*To the Witness.*) You had none?—No.

352. Have you any on any of your boats?—Yes, on the "Audania" and "Alaunia," not for all the boats, but for a particular set of boats.

353. Is it a fact that you have given prizes for boat races?—Yes.

354. In the "Mauretania" and in the "Lusitania"?—Yes, and on all the passenger ships of the fleet.

355. That is to make the crews proficient in handling the boats?—Yes.

356. What class of lifebelt did you carry in the "Lusitania"?—There were a certain number of body lifebelts and the ordinary cork lifebelt.

357. The body lifebelt is the new pattern one, is it?—Yes.

358. Where did you have them situated?—That is a very large question. I really could not be expected to answer that. I should like some witness asked who could answer from absolute knowledge. I know generally where they were placed in the state rooms and so on.

359. Do you make any distinction with regard to the men you have engaged during the war on the dock, in New York?—How do you mean, make a distinction?

360. I mean as to the nationalities?—I do not quite follow you.

361. Is it not a fact that you have Germans working on the dock and on board your ships at New York?—I should think it is probably certain that Americans of German descent would be working there.

The Commissioner: Do you mean men who have been born in Germany?

Mr. Cotter: Yes, my Lord.

The Commissioner: Do you mean men with German names or do you mean Germans naturalised in the United States?

362. *Mr. Cotter:* I mean actual Germans who go out there, who emigrate to New York. I am getting now to the point of a German spy being able to get on board the "Lusitania" and being able to convey information to the enemy. (*To the Witness.*) Is there any distinction made; do you try to sort them out at all?—We do all we can to protect ourselves against German spies in New York as everywhere else.

363. But it is possible for them to get on board your ships?—I am not prepared to say it is impossible.

364. The reason I raise the question is, that it has been published in the press that people got on board the ship and made statements that she carried guns and so on.

The Commissioner: You are quite right Mr. Cotter.

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THOMAS QUINN.

[Continued.]

Examined by MR. BUTLER ASPINALL.

365. The calamity, as we know, happened on May 7th?—Yes.

366. Is it within your knowledge that submarines had been operating in Liverpool Bay for some time before that?—Yes.

367. To any considerable extent?—To a considerable extent.

368. Was that the common knowledge of those using the port of Liverpool?—It was the common knowledge of those using the port of Liverpool so far as vessels actually sunk by German submarines were concerned in Liverpool Bay, but in addition to that I knew, from my position on the Committee of the War Risks Association, of other ships having escaped which might not be common knowledge.

369. Several sunk, and others chased, which had escaped?—Yes.

370. I noticed you told the Attorney-General that one of the points either you or your subordinates discussed with your captain was as to closing watertight doors and ports, and you also added, the danger of stopping for pilots off Liverpool?—Yes.

371. I want to develop that. What was the danger you discussed with them?—The danger was the danger of being at rest; that the submarine would be likely to wait at points where she might expect a ship to stop to pick up a pilot, and a ship at rest would be absolutely at her mercy.

372. Stopping for the purpose of getting her pilot?—Yes.

373. In view of your knowledge as to submarines operating in those localities, would you think it desirable that a ship should arrive some hours before she could cross the bar and lie off there?—I felt that it was running a very great risk to do that.

(The Witness withdrew.)

The Attorney-General: May I put in on this evidence the ship's manifest?

(The same was handed in.)

The Commissioner: Can you tell me where the danger zone began. What are the limits of the danger zone?

The Attorney-General: No doubt I can, but it is better I think, my Lord, to do it by witness.

The Commissioner: What I want to know is, whether arrangements could have been made for this steamer to have traversed the danger zone in the dark. You will consider whether that is of any importance or not, but if you think it is of importance I should like to know the facts as to where the danger zone began?

The Attorney-General: Where the danger zone is supposed to have begun. You cannot say where it actually began.

The Commissioner: I thought the danger zone had been defined by the Germans somewhere?

The Attorney-General: I am not sure, but I will deal with the point. I think your Lordship may as well have a copy of the Cunard rules to be observed by all the officers, Mr. Booth can prove them (handing the same to the Commissioner).

The Commissioner: Is there anything you want to call my attention to, Sir Edward, in the manifest?

The Attorney-General: There are, as your Lordship will see if you look down the manifest, certain cases of ammunition and some empty shells, but no question has been asked hitherto as to them on that matter.

The Commissioner: Not shells to be utilised?

The Attorney-General: No, nor ammunition to be utilised. The ammunition was in cases, as you will see; that is the only thing which can have any materiality, but no suggestion has been made or asked as to this having had anything to do with the calamity.

THOMAS QUINN, Sworn.

Examined by MR. DUNLOP.

374. Were you an able seaman on board the "Lusitania"?—Yes.

375. At 2 p.m. on the day she was lost were you on watch in the crow's nest?—Yes.

376. Was it your duty to look out on the starboard side?—Yes.

377. Had you another man with you in the crow's nest whose duty it was to look out on the port side of the ship?—Yes.

378. After you had been there for a few minutes, did you see something in the sea?—Yes.

379. What was it?—I saw a torpedo coming and I saw the submerge, but I never saw the submarine itself. I reported it by word of mouth to the bridge.

380. Did you see the torpedo strike the ship?—Yes, I waited there until it did.

381. Where did it strike?—It struck right amidships near No. 5 boat and splintered No. 5 boat to pieces.

382. Did you hear any orders from the bridge?—I got orders to report anything I saw even if I saw a broomhandle.

383. I mean after the explosion?—No. After the explosion I did not receive any orders from the bridge of any sort.

384. Did you come down and go to your boat?—Yes, I come down and went to No. 3 boat.

385. The Commissioner: Can you tell us from what direction the torpedo was coming. Was it coming end on to the starboard side of the ship?—It was coming, as far as I could say, from a range abaft the foremast. It was about 200 yards away.

386. Do you mean to say when you first saw it it was about 200 yards away?—The submerge was about 200 yards away; she was going down.

387. Did you ever see the submarine?—I did not see the submarine.

388. You saw nothing but the torpedo?—I saw only the break of the water like the letter "T."

389. How far was the torpedo away from the ship when you first saw it?—I think it would be about 100 yards—fully 100 yards.

390. Was it coming straight, end on?—Straight, right correct for the ship. She could not have got clear had she been going a hundred knots.

391. Was it directly beam on?—No, it was coming right forward, as far as I could see; the submarine was ahead of us waiting for us, and it came right direct abaft the foremast. The ship was going about 17 or 18 knots.

(The Witness withdrew.)

The Attorney-General: As your Lordship has asked some questions about speed and there may be some

misapprehension about it, I propose to call Commander Anderson and ask him a few questions.

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LESLIE N. MORTON.

[Continued.]

COMMANDER ANDERSON, SWORN.

Examined by the ATTORNEY-GENERAL.

392. Are you a Commander in the Royal Navy?—I am.

393. Can you tell us, in relation to escaping or attempting to escape from submarines, is the speed of the ship that is liable to attack of importance?—It is.

394. Will you tell us in what way?—I think it is material in two ways: In the first place, to escape from direct pursuit by a submarine, the faster a ship goes the better chance she has of getting away; and, secondly, I think that a fast ship zig-zagging covers a large area of ground, a much larger area than a smaller ship, and, therefore, reduces the chance of any single submarine being in a position to attack her.

395. Perhaps it is the same question, but do you know whether there is more difficulty in a submarine locating a ship and where she is to be attacked when she is going fast?—I do not know that I quite understand what you mean, but I take it that a fast ship will not be in the same position as a slow ship.

396. Would a submarine be in a more favourable position to attack a ship if it was a slow ship?—I take it that it is more difficult for a submarine to attack a fast ship than it is for her to attack a slow ship.

397. And then, you have told us, the zig-zagging is of great importance?—I consider the zig-zagging of paramount importance.

398. You know the time of the "Lusitania" and the time she had in hand?—I do.

399. If she had had extra speed could she have regulated her time differently?—Yes.

400. Will you explain that to his Lordship and the Court?—There was, I understand, about five hours during which the "Lusitania" could have crossed the bar, and from the point where she was torpedoed to the bar, going 18 knots on a direct course, she would have arrived there at the earliest possible moment at which she could have crossed the bar.

401. *The Commissioner*: At what time do you say

(*The Witness withdrew.*)

LESLIE N. MORTON, SWORN.

Examined by the SOLICITOR-GENERAL.

411. Were you an able seaman on the "Lusitania"?—Yes.

412. And I think you were extra look-out on the fore-castle head, starboard side, during the 2 to 4 watch on Friday, 7th May?—Yes.

413. Had you had any particular instructions that you were to look out for anything?—Yes, to keep a good look-out for periscopes.

414. Did you know what a periscope was?—Yes.

415. Do you remember, about 10 minutes past 2, looking at your watch?—I do.

416. Tell us what happened after that?—At 10 minutes past 2 I looked at my watch and putting it into my pocket, I glanced round the starboard side and, as roughly as I could judge, I saw a big burst of foam about 500 yards away four points on the starboard bow. Immediately after I saw a thin streak of foam making for the ship at a rapid speed, and then I saw another streak of foam going parallel with the first one and a little behind it.

417. Are you quite clear in your recollection that you saw two of these streaks of foam?—Absolutely.

418. Did you say anything to your mate who was with you?—Yes, I turned round to him and said, "They have got us this time."

419. Could you tell us, as to these two streaks of foam, how each of them was heading, explaining it in relation to the funnels?—They were fired, it seemed to me, at right angles to the ship's course. The first one seemed to hit her between Nos. 2 and 3 funnels, and the second one just under No. 3 funnel, as far as I could judge from forward.

420. Were you conscious of any shock to the vessel?—Yes, a great shock.

that would be?—By my calculation, 4.15 to 4.30 the next morning.

402. What was the earliest time the tide would have enabled her to cross?—About 4.30, on a rough calculation. At a fast speed she could have covered more ground and, instead of arriving at the bar at the earliest time, she could have kept further out, zig-zagged, and made a good 18 knots going faster.

403. *The Attorney-General*: That is keeping out and not going into the channel until later. Is that what you mean?—Yes, she would have got into St. George's Channel later.

404. *The Commissioner*:—I thought you meant to say that the ship would have arrived at the same time but would have done a good many more knots?—So I do. She would have steamed at 21 knots but would have made good 18, roughly.

405. That is to say, she would have gone through the water faster but would only have gone the 18 knots?—Yes, in a direct distance, and still have arrived at the same time.

406. *The Attorney-General*: Can you tell us what is considered the danger zone in the journey from New York to Liverpool?—Roughly, the danger zone is defined as being the waters surrounding Great Britain and Ireland and the north coast of France. There was nothing specific stated in the German declaration, as far as my memory goes.

407. *The Commissioner*: The waters surrounding Britain, you know, extend to America?—Quite. I believe they do; but that was the loose term employed in the German Proclamation.

408. Then, you mean, the danger zone is not defined?—No, not in bounds.

409. *The Attorney-General*: Can you tell us how far a submarine can go out—what journeys these submarines can make without re-fitting?—I think I would rather not say that in public.

410. But they do go a long way?—A considerable distance.

421. One shock or two shocks?—There was a continual quiver.

422. When the first torpedo hit the vessel was there a distinct shock?—Yes, a shock all over the ship. It shook me off my feet.

423. Did you notice anything fresh or different in the quiver, which you have described, when the second torpedo, according to your story, hit the vessel?—No, it was very similar.

424. What did you do next?—As soon as I saw them coming, before they exploded, I reported them to the bridge with a megaphone.

425. What did you shout to the bridge?—I reported: "Torpedoes coming on the starboard side."

426. What did you do next?—I made for the fore-castle to go down below to call my brother who was asleep at the time.

427. *The Commissioner*: How long were these streaks which you say you saw in the water?—They were lengthening all the time as they got nearer to the ship.

428. I know they were; but when they started, how far were they from the ship?—About 500 yards.

429. So that you saw the streak coming all along 500 yards?—Yes.

430. How long after you saw the streak begin did the torpedo hit the ship?—I should say about 25 or 30 seconds.

431. Half a minute?—Yes, if as long as that.

The Commissioner: I wonder whether that gentleman from the Admiralty can tell us how quickly a torpedo travels?

Commander Anderson: They vary. I do not think

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LESLIE N. MORTON.

[Continued.]

it is a question, if your Lordship would excuse me, that I should answer here.

The Commissioner: Is it not a matter of common knowledge?

Commander Anderson: Torpedoes vary in their speed a good bit, according to their brand.

The Commissioner: I daresay they do; but how quick will a quick one travel?

Commander Anderson: 40 miles an hour.

The Commissioner: I should have thought it would travel quicker.

432. *The Solicitor-General (to the Witness):* What did you do next after you had told your brother?—I went along the starboard side of the main deck and up on to the starboard side of the boat deck.

433. What did you see?—As I looked at the starboard boats I saw they were useless because they were swinging inboard owing to the heavy list, so I went across the fidley deck to the port side, to my boat, No. 13, the emergency boat.

434. Did you see anything of the conning tower?—As I was running towards the forecabin I saw what appeared to be a conning tower just submerging.

435. What was it like?—It looked to me like the top portion of a silk hat just going under the water.

436. When you got on to the port side, what was the position of the boats on that side? Did you get into your boat?—Yes.

437. What did you do next?—Put my lifebelt on.

438. And next?—Knocked off the patent screw at the after end of the boat and released the boat from the davit falls, and she was all ready for lowering away aft.

439. Did the passengers begin to fill your boat?—They were getting in all the time.

440. What happened next?—There was someone in the fore end of the boat doing a similar thing, and when the boat was ready for lowering away I got out and went to assist at the next boat.

441. That would be No. 11 boat, would it not?—Yes, the next boat forward.

442. What was the sex or the age of the people who were going to these two boats?—They were chiefly women: there were some men.

443. Any children?—Yes.

444. But they were chiefly women?—Chiefly.

445. What happened when you got to No. 11 boat?—I helped to fill that one; the rest of the crew were helping.

Then I saw my brother in a boat down alongside the ship and I went down the davit fall into that one. It was No. 1 or No. 2.

446. Did you get into it?—Yes, and that boat filled up with people. We pushed the after end off and called to the passengers to push the forward end off; but some of the people seemed as if they could not leave go, and she turned over and sank, and just before she turned over I swam for it.

447. Could you see anything of the "Lusitania"?—When I got what I thought far enough away I turned on my back and looked at her, and she was just going down by the head on the starboard side. The last thing I remember was Captain Turner on the bridge just by the signal halyards.

448. *The Commissioner:* She had a great list at this time?—Yes.

449. *The Solicitor-General:* Was there any explosion as she sank?—Yes, there seemed to be an explosion which dislodged No. 3 funnel.

450. And you say that almost the last thing you saw was Captain Turner standing on the port side of the bridge?—Yes.

451. Then I think you saw a collapsible boat empty and climbed into it, with a sailor named Parry?—Yes.

452. Did you rip part of the cover off and pick up a large number of people?—Yes.

453. About how many?—There must have been over 50 in the boat.

454. Did you set up the sides?—We tried to set them up as far as they would go.

455. And with all those people what did you do?—Made for a fishing kedge about 5 miles away.

456. Were you successful in reaching it?—Yes, and we landed the passengers on that boat and went away for some more.

457. I think you dropped astern from the smack after landing your passengers and took some 20 or 30 people off a lifeboat that was sinking?—Yes, and by this time the "Indian Empire" mine sweeper had reached us, and they took us out of this collapsible boat.

458. Was there any panic at any time among passengers or crew?—Individually, but not on the whole.

459. I do not know whether your brother was saved or not?—Yes: he is in Court at present.

460. *Mr. Butler Aspinall:* How old are you?—Eighteen.

Examined by MR. CLEM EDWARDS.

461. How far away was it when you saw what you thought was the conning tower of the submarine?—She was almost abeam of the vessel, between 450 and 500 yards away, I should say.

462. Was it in precisely the same direction as you saw the streak of foam?—It did not seem to be travelling at all: it was just submerged.

463. But was it precisely in the direction from which you saw the streak of foam starting?—No, it was further aft.

464. I thought you said you saw the streak of foam for 400 or 500 yards?—Yes, I said so.

465. Did you see the conning tower 400 or 500 yards away?—What appeared to be a conning tower I saw.

466. In what direction was the conning tower from the line of what you call the streak of foam?—It seemed to be at the end from where it was discharged.

467. At the end in the same direction?—Yes.

468. The moment you saw the streak you megaphoned a message to the bridge, did you?—Yes.

469. Who was on the bridge at the time?—I do not know. I could see some officers.

470. And you do not know what instructions followed?—No.

471. Who gave you instructions with regard to the boats?—Do you mean on the voyage or on the special day?

472. You said you got to a certain boat, I did not catch quite clearly which, but I thought you said you got into No. 11 boat?—No, 13 first.

473. By whose instructions did you get into No. 13

boat?—We had boat practice on the passage across and we knew which particular boats to go to in case of emergency.

474. Then did you decide yourselves that an emergency had arisen?—Yes.

475. So that you got no instructions?—No.

476. Did you hear any instructions of any sort or kind given with regard to any of the boats?—Yes.

477. By whom?—By the officers.

478. What officers?—I do not remember their names. I did not know half the officers.

479. Did you hear any instructions given by Captain Turner?—I think I heard him sing out off the bridge, "women and children first."

480. How long was that after the torpedo had struck the ship?—It was immediately after I got into the boat. That would be about 5 minutes later. I presume he sang it out before because they were in.

481. You heard that shout after you got on to the boat deck?—Yes.

482. You knew the men who were to form the boat's crew of No. 13 with you, did you?—Yes.

483. Did any other of the ship's company get into that boat than those who according to the regulations were attached to it?—Not one.

484. Were all the men there that were supposed to be there?—No, there were two of them missing. They were in the baggage room at the time.

485. Was there any muddle on the part of the crew?—Everything was done clearly and in the right way as far as I could see.

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[Continued.]

Examined by MR. COTTER.

486. Did you go to the portside of the ship at all?—Yes, first.

487. What was the position of the boats there?—Swinging in board against the ship's side.

488. Were there any passengers in them?—None that I saw. They were all empty.

489. Were there any members of the crew trying to launch any of them?—No.

490. You never saw any?—No, not on that deck.

491. *The Commissioner*: Could you have lowered those boats?—No, my Lord. It was impossible.

492. *Mr. Cotter*: Evidence will be produced to show that two boats were lowered and that one got down to the water?—They were lowered before I got there then.

493. Were there not two boats actually gone?—I did not notice them.

494. No. 13 boat is nearly amidships?—Yes.

495. Had you any difficulty in lowering it?—None at all.

496. Had the passengers any difficulty in getting into it?—A slight difficulty, but it was easier to get into that boat than any of the others because there was a beam they could step on.

497. What boat did you go to after you left No. 13 boat?—No. 11.

498. What was the position of the ship then as to list?—She was listing very heavily then. It was swinging far from the ship's side.

499. Can you give us the distance?—I could not judge it. It was a long jump for ladies.

500. Could you tell us approximately?—About six feet as far as I could judge.

501. At that time was the ship going down by the head?—Yes, the bulkhead was completely under then on the starboard side.

502. So that the boats would be swung out about six feet and swinging forward?—Yes, slightly.

503. How would you get the passengers into those boats?—They jumped, most of them.

504. It is a big jump, is it not—six feet?—Well, they would do that in a case like that.

505. Were the crew assisting the women and children into the boats?—Yes.

506. How were you getting the women into the boats. Had you any means by which you could put them in?—I think jumping or going down the davit was the only means.

507. In regard to the torpedo, did you follow the course of the white streak that you saw until the torpedo struck the ship?—Yes.

508.—Can you tell us where the torpedo struck the ship?—Between No. 2 and 3 funnels, the first one, and just by No. 3, the second, as far as I can remember.

509. That would be absolutely amidships?—Yes, almost.

510. The second one struck near where?—No. 3 funnel.

511. That would be near the mail-room?—Yes.

512. And near to the turbines?—Yes.

513. Did you see any of the crew giving life belts out to the passengers?—Yes, several of them.

514. Did you hear any orders being given to the crew what to do?—Only to assist the women and children into the boats.

515. You do not know who was giving those orders?—The officers were; those who were about the deck.

516. Calling out? They were simply calling out; you do not know who they were, but you heard the orders given?—I heard the orders given.

517. Were the passengers helping you with the boats?—Some of them were.

518. Were any of them interfering with the boats?—Yes, I think some of them.

519. And you had to get them out of the road I suppose?—As well as we could.

Examined by MR. G. A. SCOTT.

520. Did you know any of the passengers by name?—Not at the time the torpedo struck the ship. I did afterwards.

521. Did you happen to know Mr. Vanderbilt?—No, I did not.

Examined by MR. THOMAS PRIEST.

522. When you megaphoned your message was it acknowledged?—I did not hear the answer.

523. And immediately you gave the message you went down to your boat station?—I went to call my brother.

524. Then you went to your boat station No. 13?—Yes.

525. Did you hear the first order given by the officer?—I heard the order when I got to the boat deck. I cannot say whether it was the first order.

526. Did you hear any subsequent order ordering anyone out of the boats?—No.

527. Did you hear any order given varying the first order at all by anyone?—No.

528. Were you told to fetch anyone out of your boats?—No, we were told to lower away and get them clear.

529. You did not see Captain Turner between the time you took to your own boat and the time you saw him going down?—No.

530. Did you hear any orders given by him at all?—I heard a voice off the bridge shouting about getting women and children in first, but I did not see the speaker.

Examined by MR. DONALD MACMASTER.

531. Were you on the look out when you saw the streak?—Extra look out.

532. What was the name of the other seaman who was with you at the time?—Arthur Graham Elliott.

533. Has he survived?—He was lost.

Examined by MR. BUTLER ASPINALL.

534. You told me you were 18 years of age?—Yes.

535. Was this your first voyage on the "Lusitania"?—Yes.

536. Do you mean that you shipped at New York?—I did.

537. What had you been before that?—An apprentice for 4 years on the "J. B. Walmsley."

538. Is that the Prince Line?—No, it is a sailing ship.

539. Apparently you, with the assistance of this man Parry, saved some 70 to 80 lives?—We saved some first and as they came in they assisted us as well.

540. But you and Parry both being in the boat in the water, got into the collapsible boat, ripped the cover off, and you and Parry filled it with how many passengers?—Between 50 and 60.

541. And those passengers you put on to a smack?—Yes.

542. Then with the assistance of some other sailors you dropped astern and picked up some 20 or 30 more?—Out of a lifeboat which was sinking.

543. I congratulate you. With regard to what you did before you got into the water you at once went to your proper boat No. 13?—Yes.

544. Then you saw that boat was filled and some gentlemen asked you if some women were ordered out of the boat. Did you and another sailor give up your places in that boat?—We did in several boats. I think most of them were doing that.

545. Were the sailors doing that?—Yes, all of them.

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[Continued.]

546. The passengers came first, did they?—Yes in every case.

547. *The Commissioner*: You said there was a smack about 5 miles away?—Yes.

548. Was that smack in sight at the time the torpedo struck the ship?—There was like a black speck on the horizon.

(*The witness withdrew.*)

HUGH ROBERT JOHNSON, Sworn.

Examined by the ATTORNEY-GENERAL.

552. Is your name Hugh Robert Johnson?—Yes.

553.—Were you the Quartermaster on board the "Lusitania"?—Yes.

554. Do you recollect—I have no doubt you do—Friday the 7th May, the day she was torpedoed?—Yes.

555. Can you tell us where you were at the time she was torpedoed?—At the wheel.

556. Could you tell us in your estimation how far she was from the Old Head of Kinsale?—At half-past one Kinsale was 10 points on the port bow and 20 miles away. That was the message I had to take down to the Captain, at half-past one, from Mr. Jones.

557. In what direction were you going then, were you going closer in?—I was not at the wheel then, but we altered the course two or three times in towards the land; I do not know what for.

558. Did you form any estimate of how far away you were from Kinsale when the ship was torpedoed?—I should say she was about 15 miles away. I mean, Kinsale was almost abreast. That was 15 miles from the shore.

559. I do not understand the distinction you draw?—The ship was almost abeam of Kinsale and I thought there was about 15 miles between the land and the ship.

560. Have you ever formed an estimate that it was less than that?—No.

561. Did you state at any time that it was about 8 to 10 miles?—Well, I cannot remember to be exact to one or two miles, or what statement I gave.

562. Please call to mind. Did you state at any time that the ship was about 8 to 10 miles south of Kinsale?—That was when the torpedo struck us. We were steering south 68 east.

563. What I asked you was, did you say the ship was about 8 to 10 miles south of Kinsale?—Yes.

564. Was that accurate?—That is as far as I could tell you.

565. I do not know now why you say 15 miles?—I say the ship was 15 miles from the shore.

The Commissioner: I think he is right.

The Attorney-General: Very likely, my Lord; I only want to understand it.

The Commissioner: He may be right.

The Attorney-General: I do not myself see that can be when he says 8 to 10 miles and then 15 miles.

The Commissioner: He did not say according to the way you put it, that it was 8 to 10 miles on the way from Kinsale, but that he was 8 to 10 miles south. Now the ship might have been 8 to 10 miles south of Kinsale, but she may have been 15 miles away from land.

566. *The Attorney-General*: Your Lordship may understand it but I do not follow it, I confess. (*To the witness.*) Tell us what it was you first observed, or knew, as regards the ship being torpedoed?—The report that came to the bridge, "Here is a torpedo coming."

567. Whom did you hear say that?—I heard Mr. Heppert, the second officer, repeat it from the look-out.

568. What happened next?—Shortly afterwards the torpedo struck us.

569. Did you get any orders from the Captain when that happened?—Not before the torpedo hit the ship.

570. What was the next order?—"Hard-a-starboard."

571. Who said that?—That was from the Captain.

572. What did you do when he said "Hard-a-starboard"?—I carried out the order and put the wheel hard a starboard—35 degrees.

573. What did you say; did you report that to the Captain?—I reported "Helm hard-a-starboard."

574. What did he say?—He said "All right."

575. When you did that did the vessel answer the helm?—Yes.

549. It was only like a speck?—Yes.

550. Were there any other specks?—Not at the time the torpedo struck the ship.

551. As far as you know there was only this one smack in sight?—That is all.

576. And swung round. Would her head go towards Kinsale then?—Yes.

577. Did you get any order from the Captain when you had done that?—Yes.

578. What was it?—To steady and keep her head on to Kinsale, as she was swinging towards the land.

579. Did you carry out that order?—Yes, I repeated the order and carried it out.

580. What happened then?—I was doing all I was supposed to do, steadying the ship; but she was swinging off again and he gave me another order to hard-a-starboard again.

581. What did she do then: did she answer her helm?—I put the wheel round, but she would not answer her helm but kept on swinging out towards the sea.

582. After the Captain had given you the first order "Hard-a-starboard," did you hear him say anything to the second officer, Mr. Heppert, as to the list on the ship?—Yes.

583. What did he say?—He said "Have a look what list the ship has got."

584. What did Mr. Heppert say?—"15 degrees."

585. To starboard?—Yes.

586. Did he say that?—Well, it is not likely the ship would list to port.

587. I am only asking you what he said. Did he say merely "15 degrees"?—"15 degrees to starboard."

588. What did the Captain say then?—"Keep your eye on her to see if she goes any further."

589. Were you given any instructions then as to watching the indicator?—Not until Mr. Heppert was given an order to go down to the fore-castle head to close the doors leading down to the fore-castle. Mr. Heppert looked into the wheelhouse and said "Keep your eye on the indicator on the compass and the spirit level, and sing out if she goes any further."

590. What did Mr. Heppert say to you when he was going down to carry out the Captain's order?—He told me to keep my eye on the indicator on the compass and sing out if she listed any further.

591. That was the object of the order?—Yes.

592. Then what happened. Did she list further?—She stopped at 15 degrees for a matter of just a couple of minutes.

593. *The Commissioner*: And then what happened?—Then she steadily started to go further over, and I sung out what she was doing—20 and 25.

594. *The Attorney-General*: Accordingly as she listed more and more you gave information?—I gave information, and sung out to the Captain on the bridge.

595. As the list increased did the Captain say anything to you?—When I sung out that she had 25 degrees of list, the Captain told me to save myself.

596. Was there anything else you could have done at that time?—No.

597. Then did you, when he told you to do that, get a lifebuoy?—I got a lifebuoy that was in the starboard wing of the bridge.

598. And at the time you proceeded to put the lifebuoy on, had the water come up to the bridge?—Yes, the starboard side was well under.

599. Where was the Captain then?—When he gave me the order to save myself he was on the port side of the bridge.

600. That would be the high up side?—That would be the high up side.

601. Then what happened to you?—I simply had to go wherever the tide took me.

602. You were washed off the bridge, I suppose?—I was washed right across the ship.

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[Continued.]

603. Eventually, what happened to you?—Eventually, through a bit of luck, I was swept amongst some wreckage, some of which was a boat turned upside down, and I managed to get on it and was picked up.

604. What picked you up?—It was a trawler that picked me up.

605. And you were brought into Queenstown?—I was brought into Queenstown.

606. *The Commissioner*: Was there more than one trawler on the scene then?—Yes, there were 5 or 6 trawlers and 2 torpedo boats.

Examined by MR. WICKHAM.

609. Were you on the "Lusitania" the last time she sailed from New York to England?—Yes.

610. Did she follow the same course on both voyages?—I cannot tell you that to a degree. We have a good many courses to follow.

611. When you got off the Old Head of Kinsale could you see the Admiralty wireless pole from where

607. *The Attorney-General*: Do you know whether certain trawlers or other vessels came out from Queenstown?—They all steamed down from that direction and one or two sailing boats put off from Kinsale.

The Commissioner: How many hours' steaming were they from Queenstown?

608. *The Attorney-General*: Do you remember how far you were from Queenstown at that time?—No.

The Attorney-General: I am told it is a little over 20 miles.

you were?—No, I was in the wheelhouse. I could not see the land except a little bit.

612. Did you see that portion of the land or any portion of land on your former journey?—Yes.

613. Then you did follow the same course?—Somewhere off the land.

Examined by MR. COTTER.

614. Did you hear any orders given after the torpedo had struck the ship?—Yes. The captain gave orders to lower all boats to the rail.

615. Did he give any other orders to the crew. Did you hear the captain give any orders to the officers to give orders to the crew?—No, I did not pay any attention to those orders. I had enough to look after.

616. How long was it after the ship was struck that she went down?—I do not know. There was a clock right at the back of me but I did not trouble to look—about 20 minutes, I should say.

617. Did you look at the clock when you heard she had been struck?—No; I did not look at any clock.

618. How far was she down by the head when you were washed off the deck?—Well, the forecabin was all awash.

619. Did you stop till she struck bottom?—I left her before she struck bottom. She went down in about 300 feet of water.

620. You did not feel any bump or anything of that description after she had been struck?—No.

621. Did you see any boats lowered?—No. The only boat I saw was the boat Mr. Lewis was in, when

I was leaving the ship. You cannot see any boats from the wheelhouse.

622. What boat was that?—I cannot tell you.

623. Was it on the starboard side or port side?—The starboard side.

624. You did not see the port boats?—No. You can see no boats from the wheelhouse.

625. Were there any officers on the bridge with the captain at the time?—Mr. Heppert was up there and two or three other officers. They were relieving one another for lunch.

626. What officers, exactly, were on the bridge at the time?—Mr. Heppert, Mr. Stevens, and, I think, Mr. Bestwick.

627. What did they do after the captain had given orders to lower the boats to the rail?—They went away to see the orders were carried out, I suppose, leaving Mr. Heppert and the captain and myself on the bridge.

628. Did you see any passengers there?—I saw one or two foreigners come up on to the bridge.

629. Did you see any of the crew assist in any way the passengers getting to the boats?—No. You could not see anything of that from the wheelhouse.

Examined by MR. CLEM EDWARDS.

630. Did you hear the last witness megaphone to the bridge that there was a torpedo coming?—No, the only man I heard it from was Mr. Heppert.

631. Was any instruction given as soon as that occurred, to alter the course of the ship?—Yes, I was given an order, "Hard-a-starboard."

632. Between the time that you heard the message that there was a torpedo coming and your carrying out that instruction, how long was it?—Only a few seconds. The officer only had time to get from the starboard to the port side before it hit the ship.

633. So that there was no time to alter her course before she was struck?—There was no time at all to alter her course before the torpedo hit her.

634. Going at 18 knots, how long would it take the

"Lusitania" to come round in a half circle?—It all depends on the weather. She steered different in different kinds of weather.

635. Quite, but on a day like that, supposing there had been time for her to answer to her helm, how long would it take her to swing round in a half circle?—I cannot tell you. It would not take her long. She was answering very well.

The Commissioner: Do you mean half a circle or a quarter of a circle?

Mr. Clem Edwards: I mean half a circle, my Lord.

636. *The Commissioner*: To turn right tail on so as to be heading the other way?—I could not tell how long.

637. *Mr. Clem Edwards*: You could not?—No.

Examined by MR. PRIEST.

638. When the vessel was struck, who gave you the first order from the bridge?—The captain.

639. The captain, then, was on the bridge at the time?—When I got the order he came from the port side of the bridge.

640. How long did he stay there after that—on the bridge?—He was on the bridge when I left.

641. Was he there all the time?—Yes, he was running from one side to the other giving orders.

642. Therefore, he did not leave the bridge?—No.

643. Who gave those orders you mentioned?—All orders concerning the wheel I got from the captain.

644. Did you hear him give any orders as to the passengers getting into the boats?—I heard him sing out: "Women and children first."

645. Were there any other officers on the bridge at the time giving directions to passengers?—The other officers were sent down.

646. You were quite close enough to hear any orders?—Yes. There was only a glass partition between us.

647. Did you hear any other orders given by the captain?—No.

(The Witness withdrew.)

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GEORGE LITTLE.

[Continued.]

GEORGE LITTLE, Called and Sworn.

Examined by MR. DUNLOP.

648. Were you a third engineer on the "Lusitania?"—I was.

649. Were you one of the engineers on duty at the time she was torpedoed?—I was.

650. When did you go on watch?—At noon.

651. At 2 o'clock did you read the revolutions of the engines on the counter?—I did.

652. Did you ascertain how many revolutions per minute the engines had been making between 12 and 2?—I did.

653. How many revolutions were they making per minute during that watch?—121 and a fraction.

654. And what speed would 121 and a fraction give her?—I understand approximately about 18 knots.

655. How was your telegraph standing at noon?—At full speed.

656. Did you get any order between noon and 2 o'clock?—I had an order sent down by the chief engineer that in the event of emergency the telephone would be rung and on that occurring we were to give her all we knew.

657. You were to give her what speed you could?—All the speed we had available and also to keep the steam pressure very high in case of emergency.

658. Did you carry out those orders?—We did.

659. Were your engines kept running at full speed between 12 and 2 with the same number of revolutions?—The same number of revolutions.

660. That is to say, 18 knots?—That is so.

661. After 2 o'clock where were you?—After making up the revolutions I asked Mr. Smith to stand by, and I commenced to go round the engine-room, of which I was in charge.

662. Mr. Smith being the second engineer?—The

second engineer of the watch. I had got the length of the starboard high-pressure engine-room, having visited the port high-pressure room, and I was coming out of the starboard high-pressure room when we were struck.

663. At what time were you struck?—I could not say decisively. It would be, I should imagine, about a quarter past two. From reports I have heard since, I should say it was exactly quarter past two.

664. Are you able to say exactly where you were struck?—No.

665. What did you do when you were struck?—After a glance round I went to the platform as quickly as possible to try and obtain information as to what had occurred.

666. Did you go into the port engine-room?—No.

667. Where did you go?—I went directly in the low-pressure room, and from there up to the platform.

668. Did you get any report about steam pressure?—When I got to the platform the second engineer asked me what had occurred.

The Commissioner: Will you tell me, Mr. Dunlop, what is the value of this evidence?

Mr. Dunlop: He is going to explain, I believe, that the steam pressure at once went back to 50 lbs. owing to something that happened in the boiler-room.

The Commissioner: What does that matter.

Mr. Dunlop: I do not think it matters at all, my Lord.

The Commissioner: Then why on earth do you ask him the question.

669. *Mr. Dunlop (To the witness)*: How did you eventually save yourself?—By jumping over the side or walking off the side.

Examined by MR. WICKHAM.

670. Is it not a fact that the "Lusitania" was going slower when she was struck than at any other period of the voyage?—No, she had been reduced previously for thick weather, I understand.

671. Were you on her on the previous voyage, New York to England?—Yes.

672. Was the same course followed then?—I could say absolutely nothing as to what course was followed.

673. But when the vessel was struck you knew where you were, did you not?—No, I had no idea.

The Commissioner: He was down in the engine-room.

Examined by MR. CLEM EDWARDS.

674. You were in the engine-room were you when the torpedo struck you?—That is so.

675. Can you say anything as to whether the water-tight doors worked all right?—Well, all the doors that I was able to get to were closed.

676. Then what water-tight doors were there between you, when the torpedo struck, and the point at which you assumed the torpedo struck.

677. *The Attorney-General*: He says he did not know where they were struck?—I really could not say where we were struck. I have no evidence to enable me to form a definite judgment on that point.

678. *Mr. Clem Edwards*: Accepting for the moment the evidence which has been already given, that the torpedo struck the ship between funnels 2 and 3, where were you in relations to funnels 2 and 3?—Between funnels 2 and 3 there are two bulkheads. There were at least two bulkheads between my position and that position.

679. Therefore assuming that the torpedo struck the ship between funnels 2 and 3 from that point to where you were in the engine-room there would be two bulkheads and two water-tight doors. Is that right?—That is correct.

680. Would you be abaft or forward of those water-tight doors?—Aft.

681. Can you say whether either or both those water-tight doors worked and were intact immediately after the explosion?—The doors in the stokehold I really could not say anything about. The door into the engine-room as I understand closed.

682. It did close. Did you get any water through while you were there?—No, there was no water to be seen.

683. From the position where you stood to the bows of the ship how many water-tight compartments were there. First of all, how many water-tight compartments were

there altogether?—I really could not answer that question off-hand.

684. Forward of where you were, how many water-tight doors would there be?—Forward from where I was there would be, I should say, a little over 50.

685. And aft from where you were how many would there be?—Well, there was 61 doors altogether.

686. So that would give 11 aft and 50 forward?—I refer to screw-down and hydraulic operated doors.

687. Of those water-tight doors, how many would be perpendicular doors on the level of the engine-room floor?—The engine-room doors would vary.

The Commissioner: Do you know this, or are you guessing? Do you know definitely, because if you do not know, is it not very much better for you to take the plans of the ship, which, I suppose, you think are accurate?

Mr. Clem Edwards: Quite, my Lord.

The Commissioner: And it will give you all this information.

Mr. Clem Edwards: It is no good, unless this witness does know, my basing questions on the plan of the ship.

The Commissioner: What I mean is this. You can get the information you are asking this witness to give you from the plan of the ship, which, I suppose, you accept as accurate.

Mr. Clem Edwards: That is so. With great respect, my Lord, the particular information I am now seeking to get I can get from the plans; but I, first of all, want to see if he knows, because I am only seeking this information for the purpose of basing certain other questions which will go to his personal knowledge, as to precisely what transpired after the torpedo struck the ship. (*To the witness.*) May I repeat my question: How many of the 50 water-tight doors forward of where you were would

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GEORGE LITTLE.

[Continued.]

be perpendicular doors. That is the first question?—It is really a question which is very difficult for me to answer off hand. I would require to consult the plan.

The Commissioner : Can he answer the question?

Mr. Clem Edwards : If he cannot answer this he cannot answer my remaining questions, and the point is whom are we to get who will tell us.

The Commissioner : I am sure I do not know, but you can get a deal of this information, I should think all of it, from the plans.

689. *Mr. Clem Edwards* : Which of the doors which you saw closed were perpendicular doors?—They were all perpendicular doors.

690. And of those doors which you saw closed, how many were forward from where you were?—They were just about abeam.

691. Are there any watertight doors running down the centre of the ship at either end of the engine room?—Yes.

692. Were both those water-tight doors abaft and forward of the engine-room closed?—I can speak to the forward door. I had a report from one of the juniors that the after one was closed, and I can speak definitely for the forward one. I saw it myself.

693. Are those doors which, after they have been automatically closed from the bridge, can be opened by hand?—All the hydraulic doors can be opened by hand provided the pressure on the hydraulic system is available, after being closed from the bridge.

694. Was either of them open to your knowledge?—Not to my knowledge.

695. Can you say how many of the water-tight compartments of this ship would have to be filled before she would sink?—No.

696. *The Commissioner* : What are you?—One of the third engineers.

697. *Mr. Clem Edwards* : Is there a watertight deck on this ship?—Yes, within certain limits, there is.

698. We will get the limits if you do not mind. Is it a watertight deck in the sense that it is tight against water from above or below; in other words, supposing water comes in from one of these watertight compartments and rises to the height of that compartment, is the deck above it so watertight that the water would not go through from below. Is that so?—Yes.

699. And does that run the whole length of the ship?—I understand it does.

700. Which deck is it?—The "F" deck I think it is on the plan.

701. Does that run the whole length of the ship?—I understand it does.

702. Where is "F" deck in relation to the water line?—

The Commissioner : Mr. Edwards, will you tell me what it is you are driving at?

Mr. Clem Edwards : Yes, my Lord; what I am driving at is this. I want to get whether the watertight doors acted, and I want then to get them, if I can, from the witness's evidence, how the water came; whether it is a question of there having been caused sufficient destruction by the torpedo to get an area in this ship filled with sufficient water to sink it, or whether it is not possible that she sank, not in consequence directly and immediately of the water let in by the torpedo explosion, but in consequence of the water coming over, as we had in another case, the top of the bulkhead and filling her in that way.

The Commissioner : Supposing you get it all, tell me, what does it matter?

Mr. Clem Edwards : It matters nothing as to those who have gone down in this ship, my Lord, but it matters materially as to steps that ought to be taken in the future.

The Commissioner : Do you propose to enter into an

inquiry as to whether this ship was built on the most scientific principles. I know something about these Inquiries and I am wondering when we shall come to the end of this Inquiry?

Mr. Clem Edwards : We all know that your Lordship's knowledge of these Inquiries is unique, and I do not for a single moment, propose to raise the elementary questions of construction, which, by your Lordship's direction, were referred to a certain expert committee after the "Titanic" Inquiry, who have reported

The Commissioner : What became of it?

Mr. Clem Edwards : What has become of them is that they are being put on the shelf while all our attention is drawn to the war; but the suggestions and recommendations there recorded, if I may say so, constitute very refreshing fruit from the seeds which some of us were able to sow in the "Titanic" Inquiry. I do not propose in this case to go into elementary questions of construction, but I do think, if I may say so with profound respect, that it is germane to this Inquiry to ascertain whether, either by the construction or by the use of the construction, this ship might not have been kept afloat for a longer period.

The Commissioner : This gentleman is a third engineer. Do you think his answers are of any value on these abstruse points?

Mr. Clem Edwards : From my experience of third engineers in Inquiries of this sort, I should say they might be of very material value on the practical side; but if your Lordship thinks I ought not to pursue it, I will leave it.

The Commissioner : No, I do not think anything at all, but I do not want to sit here to go through what I am afraid will turn out to be a perfectly useless Inquiry. You have tried it before, you know.

Mr. Clem Edwards : With great respect—

The Commissioner : I have said what I have to say, and I am going to leave it to your wisdom.

703. *Mr. Clem Edwards* : I think we can get it, by your Lordship's permission, from the witnesses. Now I will repeat the question if I may. (*To the Witness.*) Can you say whether the water-tight deck, that is deck F, was so watertight as would preclude, if it were in perfect order, water coming over from one watertight compartment to another?—Yes.

704. *The Commissioner* : Have you ever tried it?—No.

705. Then how do you know?

The Attorney-General : On the assumption that it is watertight no water can get in or out.

706. *Mr. Clem Edwards* : Anyhow, that is what you understand this deck would prevent if it was intact?—Yes, that is so.

707. Then when the explosion took place I suppose you got out of the engine-room as speedily as possible, did you?—The particular engine-room that I was in, the high pressure engine-room, I got out of that one into the low-pressure one.

708. Now, how long after the explosion did you get up as high as to deck F?—I could not say definitely as to the number of minutes. It was certainly two or three minutes, I should say. I did not take the times.

709. *The Commissioner* : You were not looking at your watch all the time?—No, I was not, my Lord.

710. *Mr. Clem Edwards* : Now, did you at any time see water on that deck—deck F?—I never saw water on deck F. I was not on deck F; I was only up to the level of deck F.

711. Now, did you see water on any portion of deck F?—No.

The Commissioner : Are you talking about deck A or deck F?

Mr. Clem Edwards : Deck F, my Lord.

Examined by MR. MARSHALL.

712. At the time of the explosion you were the Engineer in charge of the main engine; you were down below in charge of the main engine, and you would be the person to take orders from the telegraph and see that they were carried out?—That is so.

713. You had no time to look at any of the watertight doors further than those in your immediate neighbourhood?—That is correct.

714. Therefore the whole of your time was taken up down below in attending to your orders and seeing that they were carried out?—It was.

715. Have you any idea what those orders were—they were orders conveyed to you by telegraph. What were the orders that were given to you?—The order I got was full speed astern.

716. How long did that continue?—That was rung on the port or inside telegraph.

717. Did you continue full speed astern long?—No.

718. Then what was the next order?—It was rung back to full speed ahead.

719. How long was it after the vessel was torpedoed before you left the engine room?—I could not say how

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MR. ANDREW COCKBURN.

[Continued.]

many minutes, it would be probably five minutes or seven minutes: that is when I first went up.

720. A great deal of the work of closing the water-tight doors is usually done from the bridge, is it not?—A number of the doors can be closed from the bridge.

721. If a vessel is in serious danger, what information have you from the bridge to look after your own life?—There is a naval telephone, a means of conveying a message.

Examined by MR. CLEM EDWARDS.

726. Did the bell ring when the crew were told to close the bulkhead doors?—There is a bell fixed on each hydraulic door which rings as the door is closing.

727. Did you hear that bell that day?—From the position I was in I could not hear the bells at any time.

728. Did you notice at any time that the doors were closed?—I could not notice the doors were closed from the position I was in.

729. The reason I ask the question is that you would have thought there was something wrong if you noticed

722. And in this particular case did you get any telephone message to take means to save your life?—No.

723. As far as you know there was no message sent down to the engineers to come on deck?—Not while I was on the platform.

724. Do you think that would in any way be the cause of so many engineers having lost their lives?—No.

725. You do not think that is likely?—No.

Examined by MR. BUTLER ASPINALL.

733. You told us that two orders came down from the bridge, one "full astern" and the other "full ahead." Were those orders carried out?—Well to the best of my ability I attempted to carry the orders out. The steam was very far reduced, and the vacuum was falling back; I made all the effort that was possible for me to make to carry those orders out.

The Commissioner: Mr. Aspinall, what was the object of the order "full speed ahead."

Mr. Butler Aspinall: That I do not know, my Lord.

The Commissioner: I can understand the order full speed astern, but I do not know what the full speed ahead means.

Mr. Butler Aspinall: No, my Lord, I think, probably, the Captain's story was not taken at any length, but he told us he put his helm hard-a-starboard and headed her for the land, and probably it was about that time that he gave the order "full speed ahead" in order to take her to land.

The Commissioner: But would that be after the order "full speed astern"?

Mr. Butler Aspinall: Yes, the order "full speed astern" was given, I understand, for the purpose of taking the

weigh off the ship so that the boats could be safely lowered.

The Commissioner: Yes, but I do not understand why the order "full speed ahead" was given.

Mr. Butler Aspinall: What I think may be the explanation is that baving put the helm hard-a-starboard in heading up for the land, he, or somebody on the bridge, thought, well now, drive her towards the land. The Captain, in fact, says he did not, and, therefore, I say, if he did not somebody on the bridge did.

The Commissioner: That order would defeat the object of the order "full speed astern."

734. *Mr. Butler Aspinall*: It would, my Lord. (*To the witness*): In fact, you do not think either order was carried out?—There was no time to carry out the first order. I took it as being in consequence of the previous order I got from the chief engineer, but on the telegraph being rung to open her out and give her as much as they could.

735. You told us, you know, that the steam had dropped to 50 lbs. pressure. Do you know what caused that drop?—I do not, not definitely.

(The Witness withdrew.)

MR. ANDREW COCKBURN, Sworn.

Examined by the ATTORNEY-GENERAL.

736. Were you the senior second engineer on board the "Lusitania"?—Yes.

737. And how long have you been with the Cunard Line?—About 21 years.

738. Do you hold a chief engineer's certificate?—Yes, Sir.

739. And are you next in authority, or were you next in authority, to the chief engineer in the engine department?—Yes.

740. He was drowned unfortunately?—Yes.

741. Now were you in charge of the 8 to 12 watch?—Yes.

742. Throughout the whole voyage?—Yes, throughout the whole voyage.

743. And can you tell me what was the average speed at which you came across?—About 21 knots.

744. Do you remember the morning of the 7th May, the day the ship was torpedoed?—Yes.

745. Were you on the 8 to 12 watch that morning?—Yes.

746. Did you receive any instructions that morning about the speed?—Yes, shortly after I went on, after 8 o'clock, I got instructions to slow down to 18 knots.

747. You had been going quicker?—Yes, 21.

748. And did you accordingly reduce your revolutions?—Yes.

749. Who gave you those instructions?—I got them from the chief engineer.

750. Now, after reducing the speed to 18 knots, did you

later on get orders to proceed more slowly?—Yes, by telegraph.

751. What was the order?—The telegraph was rung to go slow, and we called up by telephone to the bridge to ask the number of revolutions that were required. I think it was 100 revolutions they ordered,—yes.

752. How many knots would that be?—Probably 15: I am not quite sure.

753. Then, later on, did you get orders to increase the speed?—Yes, that was shortly before I came on board. At 12 o'clock we got rang on the telegraph "full speed ahead," and we again communicated with the bridge and asked what revolutions they wanted, and they ordered 18 knots.

754. And when you came off watch at 12 o'clock, what speed were you going?—18 knots.

755. How did you know that you were approaching the war zone, or danger zone?—Well, I had an idea.

756. Was there a general order to close all bulkhead doors on approaching the war zone?—Not all bulkhead doors, but as many as possibly could be closed, allowing sufficient to work the ship.

757. Do you know whether that was done?—Yes, it was done.

758. When was it done?—It was done during my watch, in the 8 to 12 watch.

759. Upon that day?—Yes.

760. Now when the ship was struck, where were you?—I was on the "C" deck.

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ROBERT LEITH.

[Continued.]

761. Were you in your cabin?—No, outside the cabin.
 762. Is that above the engine-room?—Yes, immediately above the engine-room.

763. Did you see any submarine or torpedo?—No.

764. And when you were struck what did you do. Did you go below?—Yes, I went below on to "F" deck to see if the bulkhead doors were closed, and I found they had been closed.

765. Did you go to what is known as the fan flat?—Yes.

766. What is that?—That is where I was supposed to have the plans.

767. Is that above the boilers?—Yes, above the boilers.

768. Did you see that the watertight doors were closed?—Yes.

769. Could you see it from there?—I could see one of them from there was closed.

770. Then after seeing that the watertight doors were closed, did you come back and put on a life-belt?—Yes.

771. Was there a heavy list on—we had that before?—Yes, a very heavy list.

772. Did you go into the engine room?—After I put a lifebelt on I went back to the engine room.

773. What did you find there?—I found the Chief Engineer and the Second Engineer, who were on watch at the time, and all steam had evidently gone and everything was stopped in the engine room; nothing was working whatever.

774. Was the place in darkness?—Yes, the place was in darkness.

775. *The Commissioner*: The lights were out?—Yes, the lights were out, my Lord.

776. *The Attorney-General*: Where were you standing at that time?—Down the first grating in the engine room—down the first ladder.

777. Had you a conversation with the Chief Engineer?—Yes; he asked me what we could possibly do now.

778. And what did you say?—I said "absolutely nothing."

779. And was that the fact that you could do nothing?—In my estimation.

780. Then did you go on deck?—Yes, I went on deck.

781. And what did you find when you got on deck?—The ship appeared to me to be sinking then; I had got

just to the rail in time and got hold of the netting on the ship's side and went down with her.

782. About how long after she had been struck was it that she went down?—I have absolutely no idea of the time.

783. Then I believe you got on to an upturned boat and were saved?—Yes.

784. Now that last time that you were in the engine room did you hear any water coming in?—Yes, I heard water.

785. Coming where?—I could not say where it was coming from.

786. And was the boat listing heavily to starboard at that time?—Yes.

787. By whom were you picked up?—A trawler, the "Indian Empire," I think it was.

788. While you were being picked up did you hear the Captain of the "Indian Empire" say anything—was he looking through glasses?—I heard him shout out "There is a periscope."

789. Did you yourself see the periscope?—I looked round and saw what he was pointing to as a periscope.

790. What did it look like—did you see something sticking up out of the water?—Yes, I saw an object which he said was a periscope.

791. How far was that away from you?—I do not suppose it was more than 200 yards.

792. *The Commissioner*: This was after the "Lusitania" had gone down?—Yes, four hours after.

793. *The Attorney-General*: Now there is just one other question I want to ask you: were lists of the boat stations for the crew posted all over the ship?—Yes.

794. And were boat badges issued to all the crew before you left New York?—Before we left Liverpool.

795. That is on the voyage to New York?—Yes, that same voyage.

796. Had you a boat station yourself?—Yes.

797. What was your boat?—No. 2 boat.

798. Were you able to do anything with it?—No, I never got on that deck; I never got off the C deck.

799. Do you recollect whether there was any boat drill in New York before you left?—Yes, there was boat drill in New York.

Examined by MR. WICKHAM.

800. Was the "Lusitania," when she was struck, going at the same rate that she had been going at during the whole of the voyage—she was going 18 knots when she was struck, was she not?—Yes.

801. I put it to you that it was only 15 knots she was going when she was struck?—I do not know, but I was not on watch at the time.

802. So far as you are aware, did she follow the same course as she did on her last voyage?—I do not know what course was steered.

803. Do you know that part of the coast at all?—Not very well.

804. Do you know where the Admiralty wireless poles are?—No.

(*The Witness withdrew.*)

After a short adjournment.

ROBERT LEITH, SWORN.

Examined by the ATTORNEY-GENERAL.

805. Were you a wireless telegraphist on board the "Lusitania"?—Yes.

806. When were you appointed to the "Lusitania"?—The day before she sailed from Liverpool on her last voyage.

807. That would be about the 16th of April?—Yes.

808. And prior to that had you had experience in sending and receiving Marconi messages?—Yes; full experience.

809. Now, can you tell me how many operators you had upon the "Lusitania"?—There were two of us.

810. Yourself and who else?—David McCormick.

811. And did you and he divide the work between you?—Yes.

812. Did you take six hours each?—Yes.

813. And was there a continuous service kept up the whole time?—Absolutely.

814. Now, when you joined the ship at Liverpool, did you ask the Captain if he had any special instructions to

give you?—Yes, prior to the ship's departure from Liverpool.

815. What did he say?—Certain instructions issued from the Admiralty through the Captain were communicated to me at the time.

816. Did he also give you any instructions with reference to accepting messages?—Yes.

817. What were they?—That no passengers' messages must be sent from the ship whatever.

818. Now, you left New York on the 1st of May and from time to time you were in touch with various Land Wireless Stations?—Yes.

819. I need not go through those. And you received certain communications from time to time?—Yes.

820. Mostly for the passengers?—Yes.

821. They were ordinary communications?—Yes, or dinary.

822. Now, on the 6th of May, that is the day before

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ROBERT LEITH.

[Continued.]

the ship was torpedoed, you received, I believe, three messages?—Yes.

823. One Government message sent to the commander?—Yes.

824. And two private messages to passengers?—Yes.

825. On Friday morning the 7th, did you receive two Government messages?—Yes.

826. Which were from a wireless coast station?—Yes.

827. The first was at about 11.30?—Approximately.

828. And the other one shortly after 1 o'clock?—Yes.

829. *The Attorney-General*: There is no dispute if your Lordship remembers the evidence. I only want just to confirm it. (*To the witness.*) Now, at the time the torpedo struck the ship who was on watch?—McCormick, the assistant operator, was on watch.

830. Where were you?—In the after dining saloon; that is situated on the D deck aft.

831. And on which deck was the Marconi house?—On the hurricane deck.

832. Did you feel the shock?—I felt some shock or other and I thought it was a boiler explosion. I could not conclude at the time what had taken place.

833. Did you feel more than one?—No, only one.

834. And what did you do then; did you go up to the wireless cabin?—Yes, immediately.

835. And did you find McCormick there?—Yes, he was there.

836. Did you thereupon, when you went up to the cabin, in pursuance of the regulations send out a distress signal?—I did.

837. What was it?—S.O.S.

838. Was it followed by anything?—Yes.

839. And did you state in your S.O.S. signal the situation of the ship?—No; all I said after the S.O.S. was sent out was "Come at once—big list," followed by the position of the ship.

Examined by MR. ROSE INNES.

852. I understand you received one Government message on the 6th of May and two on the 7th?—Yes, that is quite correct.

853. Is it the practice, upon the receipt of messages, to make any record of them in writing?—We must make a record before we can take the message.

854. How do you receive the message: do you receive it upon a tape?—No, we receive it by sound reading, and we translate it on the Morse system.

855. Having received the message, do you enter it in a book or upon any document?—No. On an ordinary telegraph form.

856. Upon this occasion did you do that?—Yes.

Examined by MR. JOSEPH COTTER.

862. Can you tell us where the Marconi room was situated on the "Lusitania"?—Between the 2nd and 3rd funnel on the hurricane deck.

863. Did you go up on the boat deck after the ship was struck?—Yes, I came along the boat deck from the after dining saloon to get to the wireless cabin.

864. You were in the after dining saloon when she was struck?—Yes.

865. That was in the second cabin?—Yes.

866. You came from the second cabin up the companion way?—Yes.

867. And you would have to cross the bridge on to the boat deck?—Yes.

868. Were there any passengers on the boat deck when you got there?—I saw nobody on the boat deck.

869. How long was it after the ship was struck that you went on to the boat deck?—Approximately I think it took about a minute and a half to get up to the wireless cabin from the dining saloon.

870. How long did you remain in your cabin?—Until the last moment.

871. Did you get into a boat?—Yes, I did.

872. What was the number of the boat?—I have no idea.

873. Can you tell us where it was situated?—That I could not tell you.

874. Did you go forward or aft when you came out of your cabin?—Immediately from the cabin into a boat.

875. On the starboard side?—Yes.

840. What did you put in about the position of the ship—where she was?—Off South Head, Old Kinsale.

841. Was that signal at once acknowledged?—Yes, immediately by a wireless coast station.

842. After that did you repeat the message?—Practically continuously.

843. Then, subsequently, did you get instructions from an officer of the ship?—Yes.

844. What did he direct you to do?—He told us the true position of the ship was 10 miles south of the Old Head of Kinsale, and that was immediately sent out and further acknowledgment was given by the wireless station.

845. Did you also hear other stations reply?—Yes, but I was unable to read them owing to local noises.

846. Now how were these messages sent out—by what power?—They were sent out both by the ship's power, that is power supplied from the ship's dynamo, and in addition to that after three or four minutes after the torpedo struck the ship, the power section gave out and we had to fall back upon the emergency section which is situated inside the wireless cabin.

847. And did you continue sending out the S.O.S.?—Yes, I continued sending out the emergency signal.

848. How long did you remain in the cabin?—Until just a few moments before the ship sank. I do not know definitely what time it was.

849. Did you stay there as long as it was possible?—Yes, as long as it was possible.

850. And when you left you went down with the ship, I suppose?—I jumped into a boat that was full of water. Where I jumped from, I have no recollection.

851. I suppose I need hardly ask, but did all the records at the wireless station go down with the ship?—Everything.

857. And it was those documents that have been lost?—Yes.

858. There is no record now of the messages?—None whatever.

859. Did you communicate the messages you received—I am not asking you what they were—but did you communicate those to the Captain of the ship?—Immediately.

860. Can you give me approximately the times when you received those from the 7th of May?—About 11 and 1 o'clock; or 11.30 and 1 o'clock; I am not sure of the times.

861. And when you received the wireless messages, were the messages from the Admiralty?—I presume they were.

876. That would be No. 11 boat I take it?—I could not say.

877. Did you ever see the number of the boats?—Often. The boat deck was under water at the time.

878. Did you get a boat badge—had you a boat number?—Yes.

879. What was the number of your boat on your badge?—No. 1.

880. That was right forward on the starboard side?—Right forward.

881. And outside your cabin, which was No. 11 on the starboard side and No. 12 on the port side?—It does not follow that I went in that boat.

882. But you said the boat directly opposite your cabin?—It might have drifted down with the weigh of the ship.

883. Where did you get into the boat?—From outside the wireless cabin.

884. What do you mean when you say it drifted down with the weigh of the ship?—There was a certain amount of weigh on the ship, and the ship was going ahead, and this boat was not dropped from one of the falls, but I do not know what the number of the boat was; it was full of water at the time.

885. And you say there was some weigh on the ship at the time when the boat deck was awash?—I presume so, yes, a little.

886. She was well down by the head then?—Yes.

887. How many people were there in this boat that you went into?—Three or four.

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[Continued.]

888. Three or four people?—Yes.

889. Were any members of the crew in it?—I cannot recollect. I do not know who they were.

890. Could you identify anybody who was in that boat?—No.

891. How long were you in the boat after you left the ship?—I transferred from that boat into another.

(The Witness withdrew.)

ARTHUR ROWLAND JONES, Sworn.

Examined by MR. BRANSON.

895. Were you first officer on the "Lusitania"?—I was.

896. How many voyages had you been on the ship?—That was my fourth.

897. And how many years with the Cunard Company?—Seven.

898. And I think you hold an extra master's certificate?—I do.

899. Now, at the time of the disaster, you were in the first-class dining saloon of the steamer, were you not?—Yes.

900. Did you feel the shock?—I heard the explosion.

901. Then what did you do?—Well, I got up.

902. And then?—And went on deck.

903. Did you go to your boat?—Yes.

904. Which was your boat?—No 15.

905. And we have heard that all the boats were swung out. Did you commence to fill her with passengers?—Yes.

906. Before you went on to the boat deck did you give any order as you left the saloon?—I did.

907. What was that?—I said if any ports were open to try and close them immediately.

908. Did you see yourself whether any ports were open or not?—I did not see any open, all that I saw were shut.

909. And then you went to your boat?—Yes.

910. Had the ship a list at this time?—When?

911. When you got to your boat?—Yes.

912. How much?—Well, between 30 and 35 degrees I should say, but remember it was 4 minutes after, about.

913. Four minutes after the explosion?—Four minutes after the explosion when I got on to the boat.

914. *The Commissioner*: Just show me with that book what 35 degrees means. (*Handing a book to the witness.*)—That is a level ship (*describing*).915. Now show us 35 degrees.—Well, that is level, and it was so (*describing*). 45 degrees is half a right angle. 35 degrees is 10 degrees less.

916. Then, you could not stand on the deck?—I could not stand on the deck. When I reached my boat I had to hang on to the rail, and I am a sailor used to walking in any kind of conditions, and I could not stand.

Examined by MR. ROSE INNES.

933. Which was your last watch prior to the time the ship was struck by the torpedo?—12 to 4 in the morning; the middle watch we call it.

934. Did you know of the arrival of two Government wireless upon the 7th of May?—During that watch?

935. On the 7th of May, the date on which the boat was struck.—I know that wireless messages were received.

936. Did you know the contents of them?—I never saw them.

937. But did you know the contents?—No, I did not know them.

938. They were not communicated to you?—No, only verbally they were communicated to me. One message was communicated to me; that was all.

939. Do not tell me what it was, but at about what time of day was that?—Noon.

940. Was there any alteration made in the course of the Lusitania after noon on the 7th of May?—There was.

941. What course was she taking then before the course was altered?—What course were we steering?

942. Yes.—About S. 87 E. magnetic.

943. And what was the alteration made?—They hauled up about 4 points.

944. But in which direction?—To the northward.

892. How long were you in that boat?—Just a matter of moments.

893. What did you leave the boat for?—The ship's funnel appeared to be coming down on the top of me at the time, or it appeared to be so, so I sprung from that boat to another one.

894. Do you know the number of the other boat that you got into?—No, I do not.

917. *Mr. Branson*: From that time did the list go on increasing, or did the ship steady at all?—No, she stayed at about 35 degrees for a short while.

918. Did she then recover, or did she go on listing?—She started to recover.

919. To what extent did she recover?—Now you ask me a difficult question, because I was working very hard then, but I should say she recovered to about 20 degrees.

920. In the meantime you were loading your boat with passengers?—Yes, I was loading No. 13 and No. 15.

921. Then let us take No. 15. How many people did you put on board her, about?—Over 80.

922. Then did you lower her down?—Yes, I lowered her down.

923. And did she get away all right?—No. 13 got away first.

924. Did she get away all right?—She got away with about 65.

925. Then did you go into No. 13?—After I had lowered No. 15 in the water I then went down the fall myself a few seconds afterwards, and the boat deck was level with the water.

926. And how long after that did the ship go down?—A matter of 15 seconds; it was not half a minute.

927. Did she go down by the head?—Well, she started with her head to starboard and then she went down by the head herself, and, I take it, as far as I can judge, she upended herself until her nose touched the bottom and then she sank down herself.

928. So, according to you, she got into a position almost vertical?—I should say she had an angle of about 30 degrees from the perpendicular.

929. Then, I think, you went off with No. 15; you had transferred some of your passengers into another boat?—Into another empty boat.

930. And then both you and the other boat went back?—Yes, we went back.

931. Then you put your passengers on board a smack, did you?—Yes, the "Bluebell" I think it was, a little fishing smack.

932. And you proceeded to the scene of the wreck and collected some more people?—Oh, yes.

945. Now just tell me one thing more. As nearly as you recollect, what time of day was the alteration made?—I do not recollect at the moment.

946. Could you give me no idea. You see, at 12 o'clock you got the communication by wireless?—Yes; it was between 12 and 1.

947. Was that the last alteration in the course made—before the ship was struck, I mean?—No; it was not the last.

948. Before she was torpedoed, I mean?—It was not the last one.

949. What alteration was made after that?—It was hauled out to the southward.

950. How much?—To the original course.

951. She went her original course?—Yes, S. 87° E.

952. And how long had she been going on the altered course to the northward?—I think it was about an hour. I have the figure somewhere with me.

953. She was going for about an hour on the northerly course, then she regained her original course?—I think you had better let that question drop. I do not remember the time now.

954. I am not going to let it drop, but if you do not

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[Continued.]

remember the time that is the answer. It was altered?—Yes, it was altered.

955. Was any other alteration made in her course that you know of?—Yes. I told you that before.

956. I mean was any other alteration made in her course beside the last one you have told us of?—You are referring to the alterations which took place altogether between 12 o'clock and the time of the explosion. There was more than one. The first one as I have told you was about 4 points to the northward, and the next ones (you notice I use the plural) were shortly before the explosion.

957. Then after that, am I to take it that before the ship was struck, no other alteration in the ship's course was made. I want to get at how many alterations were made?—I have told you about four.

958. Do you mean two or how many more than two?—More.

959. How many more?—I say four altogether between 12 and the time of the explosion.

960. You have crossed a great number of times, have you not?—Yes, I have been crossing the Atlantic about the last 9 years.

Examined by Mr. JOSEPH COTTER.

968. How long have you been in the employ of the Cunard Steamship Company?—7 years.

969. How long have you been in passenger ships with the Cunard Company?—Practically the whole time, with an intermission of about 18 months on cargo work.

970. So you have been conversant with the boat drill of that Company?—Yes.

971. Were you at the boat drill that was held in Liverpool before the "Lusitania" sailed?—I was.

972. Were any of the boats lowered?—In Liverpool?

973. Yes.—No.

974. Have you seen the boats of the "Lusitania" lowered?—Yes, I have seen several.

975. Have you seen the crew handling them?—Yes. I have seen some of our own crew handling them.

976. What is your opinion of the efficiency of the crew handling boats on the "Lusitania"?—I should say they were just as well as ever I have ever seen them; they seemed to be all right.

977. Did you think they were competent?—Quite competent; as far as fireman and stewards are competent they were, quite competent. Of course we cannot expect them to be professionals, but they were quite competent.

978. And could carry out the orders that were given them?—Yes, they were quite capable of that, and they did so.

979. Is it the custom to give boat badges to each of the members of the crew?—Yes, so that he will know his boat in time of emergency.

980. And the same with regard to bulkhead door drill, so that they know which bulkhead doors to go to?—Yes.

981. Now when the ship was struck by the torpedo you say you were in the dining-room?—Yes, I was in the dining-room.

982. That is on E deck, is it not?—Yes, on E deck.

983. And outside the forward entrance of the dining-room, are there suites of rooms along the alley-ways—is not that so?—On the foreshore?

984. Port and starboard outside the dining room.—They were short alley-ways—not very long—forward of the dining-room entrance.

985. Outside the dining-room entrance, where you come out of it, port and starboard?—Yes.

986. And the forward end leads into the third class?—Now, you are asking me to go into details I do not know much about. My duties did not carry me down there, but I know a part of the second class was converted into third.

987. But the second class is aft, is it not?—Yes.

988. I am talking about forward now—forward of the dining-room?—It must have been the first class.

989. The second cabin of the "Lusitania" is aft, is it not?—Yes.

990. And in those rooms the ports would be open if it was a hot day, would they not?—We would not call it a hot day; it was fairly warm, it was just pleasantly warm.

991. But the custom is to have the ports open to air the rooms, is it not?—Yes, in the day time.

992. And you had issued orders to have those ports closed?—If there were any open.

961. Had the alterations made in the course of which you have spoken happened before?—They had nothing with it our ordinary run.

962. They had nothing to do with the ordinary run?—No, because we had had fog in the morning. Those alterations were mainly due to fog.

963. They were entirely due to fog?—Entirely due to the fog.

964. Then, except for the fog, I take it the ship was taking her normal course—her usual course?—Usual to when?

965. Usual to coming from New York to Queenstown?—Yes, but you do not steer the same course all the time; it depends upon your weather.

966. I quite understand that, and it depends upon fog. But there is practically a normal course, is there not?—The normal course is to steer for about 5 miles to the southward of Fastnet Rock and we never saw Fastnet Rock.

967. Was that because of the fog?—No, because we were too far off it.

993. Do you know if there were any ports open in the dining-room when you were in the dining-room?—No, I did not see any. All the ports which I observed with my own eyes were shut, but as a precaution I gave this order—not that I knew the ports were open.

994. But it would be dangerous for the ship's safety if the ports were open, if she took a list to the starboard side, would it not?—Naturally.

995. Did you go up the main companion way?—Yes.

996. Did you see any of the passengers going up that way?—Well, when we were struck there were about 10 people lunching in the saloon, and the moment she was struck of course we all got up and they preceded me out through both doors. I was about the last man to come out of the saloon. It was as I was passing through the door that I issued this order, "Close the ports if any are open."

997. Did you issue any other order?—Not then; there was none to be given. I simply told the people to be calm on the way up, and to be as collected as they possibly could.

998. Did you hear anyone give any orders from the top of the main companion?—I saw some of the senior stewards keeping order amongst the passengers.

999. Did you hear any orders given by any of the officers?—I cannot say I heard any special orders. I cannot repeat any.

1000. How long was it after she was struck that you got to the boat deck?—I should say between three and four minutes, because it would take me that time to walk up there with 100 people crowding the staircase; under ordinary circumstances a minute and a half would have done it, but owing to the heavy list the ship had taken, that would render it more difficult; but I should say it was about four minutes after the explosion that I reached the boat deck.

1001. And you found it difficult getting up the companion way to the deck?—I did find great difficulty, especially when in getting from the C deck to the A deck; the list was increasing all the time.

1002. When you got up to the deck were there many passengers on the boat deck?—Quite a number.

1003. Was there any excitement or panic?—There was a certain amount of excitement, but there was no panic whatever.

1004. Naturally there would be excitement?—Yes.

1005. Did you see any of the stewards giving lifebelts to passengers?—Yes, I did. I saw plenty of stewards giving lifebelts to passengers but I cannot specify anybody, although I saw plenty.

1006. You say you went to No. 13, the drifting boat?—Yes, No. 13 and No. 15.

1007. Your boat station is No. 15 boat?—That is my own boat.

1008. On the boat deck?—Yes, but of course I was in charge of the whole of the starboard side boats; but No. 15 is my own special boat.

1009. The chief officer as a rule takes charge on the port side, does he not?—That's right.

1010. Had you any difficulty in lowering the boat?—Yes, I had.

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[Continued.]

1011. Can you tell us what your difficulty was?—The number of people that were in her. She had so many people in her that it took me all my time to watch it.

1012. You had about 80 people in it?—I had over 80 people in it.

1013. How they were fixed, were they standing or sitting?—Just bundled in anyhow; some were lying in the bottom of the boat.

1014. These boats are made to carry about 60, are they not?—My boat, I think, was 61.

1015. But the "C" boats, I put to you, are made to carry about 60 people, are they not—I mean the top boat?—You mean the "A" boat?

1016. Yes.—The wooden boat I am speaking of. I do not refer to the collapsible boats at all.

1017. Yes—they carry roughly about 60 people, do they not?—Yes, on an average from 60 to 62.

1018. And you were able to put 80 into her?—Yes.

Examined by MR. SCOTT.

1025. One question. Do you happen to know Mr. Alfred

Vanderbilt?—I never saw the gentleman.

Examined by MR. BUTLER ASPINALL.

1026. You told one of these gentlemen that you usually past 5 miles, I think you said, off the Fastnet?—Yes, we shape a course to pass the preceding day when we make our courses up and the last alteration would be made to pass the Fastnet about 5 miles off. Off course when we sight Fastnet it is according to the Captain's judgment then how far he will pass it; that is under ordinary conditions.

1027. Now on this occasion as you have said you passed further off so far that you did not even sight it?—I did not see it.

1028. Do you know what the reason of that was, why you passed so far away from it?—Of course I can only form my opinion and that is because probably the captain had some private instructions.

1029. You were further away from the shore on this course?—Yes.

1030. You were not on the usual course then?—No not then—certainly not.

1031. Now passing away from that matter, can you tell me anything about this. Before you left the ship do you know whether anything had been done about the watertight doors?—I do.

1032. What do you know about that?—When I reached the boat deck I met the carpenter's yeoman, who had just come up from below, and I asked him whether all the doors were shut down below and he answered that every thing was shut below. Those were the exact words we used to each other.

1033. Would it be his business to know whether that had been done?—Well, it would be, partly, because he assisted the carpenter in everything he did and that is part of the carpenter's duty. I referred more to the hand doors than the Stone Lloyds.

1034. At any rate, he told you that everything was shut down?—He told me everything was shut down.

1035. Now after you had got away in your boat, No. 15, did you fall in with another boat?—Well, after the ship had sank from under us. We never got away, you know. As the ship disappeared the Marconi Aerial wire came across the top of our boat and very nearly took us down with it, but luckily it snapped and we were simply swimming about then in the disturbed water for two or three minutes in very, very great danger.

1036. And after that did you transfer some of your passengers to another boat?—I did. I observed a boat which appeared to me to have two or three people in it, and how it got adrift like that I did not know, but when we got out of this terribly disturbed water in safety I immediately ran forward of my boat's head for that empty boat, and when I reached her I gave the boatswain's mate, a seaman, and the assistant purser and about ten stewards to form a boat's crew, and I counted out about 30 passengers also and put them in this boat.

1037. And that relieved your boat?—That relieved my boat of altogether, say, about over 40.

1038. Having done that, did you then direct that boat to go back to the wreck in order to save more lives?—

1019. And you lowered her down to the water in safety, without an accident?—Yes, we got them down into the water.

1020. And the same with No. 13?—The same with No. 13. We had about 65. I think I was told afterwards.

1021. Did you see any of the other boats being launched?—It took me all my time to watch two.

1022. Had you been over to the port side at all?—When I first came on deck naturally I went to the high side because my first impression was that the ship was going to turn turtle and I thought that the high side might be the best place.

1023. You went to the port side?—Yes.

1024. What did you see then with regard to the boat?—I do not remember a thing about the port side, so you might as well leave that out. I went round to the starboard side immediately.

Yes, to save as many they could, and, I believe, ultimately they saved a good many.

1039. And did you also take your own boat back for that purpose?—I took my own boat back too.

1040. And did you pick up a considerable number of people in your boat?—Quite a number; not so many as I had before, but I filled her up then with 55 or 56.

1041. What did you do then with your boat-load?—I pulled off then to the "Bluebell," a little fishing smack that was about five miles in the offing.

1042. What did you do with your passengers when you got them?—Put them all on board.

1043. You had freed your boat of passengers. What did you do then?—Went back to the wreck.

1044. Did you rescue more lives?—About half way I pulled about 2½ I should say when we fell in with a broken collapsible boat in a bad condition with about 35 I think, inside it; some of these people were lying exhausted in the bottom of the boat, some were injured so I took them all on board my boat, and we let the collapsible boat drift away, it was in a sinking state, and shortly after that there was a trawler called the "Indian Empire" or the "Indian Prince"; she came along and she stopped. I pulled the boat alongside of her, put all these injured people that I took from the collapsible boat on board of the "Indian Prince." Then he took me in tow. I stopped in the boat myself until we reached the last scene of the wreck.

1045. Then did you again make further efforts to save life?—Yes, I pulled off then and I think we saved about 10 people; at least we pulled them out of the water and two of them died before I could get them ashore. Others were in a very weak state.

1046. What did you do with these people, the last you got out of the water?—I took them on board the "Flying Fox," a Queenstown tender.

1047. By this time what was the condition of your boat's crew; could they do any more?—I do not think so. It was then about 8 o'clock and they had been without food and water, and, naturally, they were really exhausted and they had not any more heart to do any more; they had done quite enough, I think.

1048. And you did no more after that?—I did not do anything more after that.

1049. Do you think you could have done any more with the crew in that state?—No. I will tell you why. You see that time there were a number of cruisers and destroyers and patrol boats on the scene, and they had handy little boats; they were just pulling hither and thither and my big boat, which holds 85 people, takes some pulling, and I could not pull her round or manœuvre her round, so I let her go at that.

1050. And then you and your crew got on board the "Flying Fox," and were saved by the "Flying Fox"?—Yes, she took us to Queenstown, and we reached there about 11 o'clock.

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MRS. MABEL KATE LEIGH ROYD.

[Continued.]

Re-examined by the ATTORNEY-GENERAL.

1051. I should just like to ask you one general question. As far as you observed, was everything possible that could be done being done in relation to

getting out the boats and getting the passengers off?—Everything was done that it was possible to do.

(The witness withdrawn.)

MRS. MABEL KATE LEIGH ROYD, SWORN.

Examined by the SOLICITOR-GENERAL.

1052. I think you with your husband, the late Mr. Charles Alfred Leigh Royd, were on your way from Australia via Canada to this country and were passengers upon the "Lusitania"?—That is so.

1053. Do you remember the day, Friday the 7th of May, when the ship was struck?—Yes.

1054. I think, in fact, that you were in your cabin lying down after lunch?—Yes.

1055. Now will you tell my Lord and the Court what observations you made after that—what happened next?—Do you mean what happened to me personally, or what I heard or saw?

1056. What happened to you personally.—Not being fully dressed I gathered a few things together, which took two or three minutes, and then went up with my husband on deck, and when we reached the top deck (our cabin was on D deck) we realised that we had come without our lifebelts and returned for them, and on our return to the deck, the staircase was very difficult to ascend as the list was becoming more marked. I do not know whether this is the sort of thing you want.

1057. I want you just to tell us just what happened to you then. What did you hear that first showed you that something unusual was happening?—I was lying down and I heard a crash, and there was no doubt in my mind, or my husband's mind, what had happened.

1058. You had heard talk of submarines, and you were sure that this was a submarine?—Yes.

1059. Then you described how you went up the staircase on to the deck. Had you any assistance from anyone?—Yes. On the second occasion when we went up on deck it was so difficult to mount the staircase, that we thought as we took three steps we might fall four back, and a steward certainly helped us by pushing us up on to the top deck, and I should like to say that I think their behaviour was most excellent and self-sacrificing.

1060. That applies to the stewards and stewardesses both?—Yes.

1061. You reached the top deck, and after you had returned to your cabin and provided yourself with your lifebelts you went back?—Yes.

1062. After you went back will you tell me all that you saw then. First of all, did you notice anything about the portholes?—Yes. Our cabin being on the same deck as the dining-room, on passing out on the second occasion, I saw water streaming into the dining-room. I thought to myself that it was through the portholes, as it was in a sort of jet of water coming down, not in any large quantity, but as if it was pouring through a hole.

1063. You did not see any other means by which it could come in?—No, because I did not think the torpedo had entered that part of the ship—I concluded it was coming through the porthole.

1064. Were you told by anybody to go to any particular boat?—No.

1065. Then what did you do next?—We then went on deck, and the list was so marked by that time that we had to hold on by a brass ring and decide what we should do, what boat we should go to, whether we should rush for where we saw a great many go, or whether we should wait, and we then decided to wait for a few minutes. We felt quite calm about it.

Examined by Mr. JOSEPH COTTER.

1083. When you were lying in your room did anybody tell you there had been an accident?—Nobody told me; my husband was in there and we just realised what had happened. No one told me anything.

1084. Did you see a stewardess?—No.

1085. Did you get a lifebelt from any of the stewards, or did you take it down from the rack yourself?—We took them down from the rack ourselves.

1066. Did you see any boat lowered while you were waiting?—Yes, two boats or more.

1067. Were they successfully lowered?—Well, I do not think I know enough about those.

1068. Did the boats get safely into the water I mean?—Did they touch the water?

1069. Yes.—Yes, I think I saw them lowered into the water.

1070. As far as you could see without casualty?—Yes.

1071. Could you see, in fact, whether there was any casualty?—No, but I have been told that the first lifeboat had gone down.

1072. While you were there you did not see any casualty?—No.

1073. Then I want you to come to your own boat, which, I think, was the third. Can you describe whereabouts it was. It was on the starboard side, was it not?—Yes; it was on the starboard side, somewhere about amidships; more than that I cannot say.

1074. What happened to you. You got into the boat?—Yes; but the list was so strong that we could not walk down. We had to sort of rush down, clinging to the railing, which at that time was nearly under water, I should say, and sort of tumble into the boat, assisted by passengers and seamen. We no sooner got into the boat than it was lowered with another boat on top of us, and a funnel fell on to us.

1075. Do you mean it really actually fell on to you?—Well, directly we got into the boat we were aware of another ship's boat being lowered on to us, and a broken funnel may have fallen on to that boat or was falling at the same time.

1076. You did get away, at any rate?—No, we did not get clear; we had just got into the boat as this happened.

1077. The boat that was being lowered on the top of you was not lowered so far as to actually fall upon your boat?—Yes, it was the cause of our boat going down.

1078. It actually struck your boat?—Yes, it actually struck our boat, and turned our boat over and we went down under the water.

1079. And do you remember what happened to you after that?—Well I was in the water. I had a lifebelt on and I was underneath for a few seconds, and then I came to the surface again and I thought I was in the water about a quarter of an hour or 20 minutes, but when I was picked up by some stewards who were on an upturned boat, I asked them to look round to see if they could possibly see my husband in the water. I said I had only been a few minutes in the water. One of them said "Oh, I think you have been longer than that as it is now by my watch after 3 o'clock, and the ship went down about a quarter past two."

1080. And I think you never saw your husband again?—I never saw him again.

1081. Was there any panic at all?—No, none at all. I was very much struck with that—except for a few women calling and asking for lifebelts, there was no panic in any way. They were rather screaming out a few of them for lifebelts, one or two that is all.

1082. And there is no observation you wish to make to the Court as a passenger, is there?—No.

1086. And put them on yourselves?—Yes.

1087. Did you see any stewards on your way up to the boat-deck?—No.

1088. Did you see any stewards on the boat-deck when you got there, or any members of the crew?—Well, I might have seen an odd seaman or two about, but I saw no officer.

1089. You see you made a statement, and I just want

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REV. MR. — CLARK.

[Continued.]

you to verify it again, that the stewards and stewardesses were doing good work?—Yes, I saw the stewardesses helping people, but they did not help me personally.

1090. You had already got your lifebelt?—Yes, I did not want any help.

1091. Had you any difficulty in getting up to the boat deck?—Yes, I have just said it was very difficult to get up the stairs the second time we went up to the boat deck. We were helped by a steward then.

1092. Did your boat that you got into get into the water safely?—Yes, I think so. It was lowered safely.

Examined by MR. SCOTT.

1096. Did you know Mr. Alfred Vanderbilt?—Not personally, only by sight.

1097. Did you see him after the torpedo struck the boat?—Yes.

1098. Could you tell me where you saw him?—I saw

1093. Did it collapse or was it upturned, or what happened to it?—Another boat fell on it and turned it over.

1094. How many people would there be in that boat?—I do not think a great many. I had not really time to realise. I should think there might have been a dozen or less. I am not quite clear. I had not time to think.

1095. You were all thrown into the water?—Yes, I never saw any of those people again.

(The Witness withdrew.)

The REV. MR. — CLARK, Sworn.

Examined by the ATTORNEY-GENERAL.

1101. You were on board the Lusitania on the passage back from America to Liverpool?—Yes.

1102. Now before you left New York did you go to the Cunard Office?—Yes.

1103. Did you make any enquiry about a threat to sink the Lusitania by submarines?—No, I only asked the man who gave me my ticket whether there was any extraordinary danger in travelling by the Lusitania and he told me, no, there was none as far as he knew, and that the Cunard Company were not likely to risk a ship of such enormous value if there was any extra danger.

1104. Now during the voyage did you get to know Captain Anderson?—Yes, I knew him very well.

1105. He has been drowned I am sorry to say?—Yes.

1106. Did he make any statement to you about the use of the boilers?—No. He told me almost at the beginning of the voyage that six of the boilers had been cut off and that the result of that was that 1000 tons of coal would be saved on the voyage and I asked him a question or two with regard to that which I have put down in my statement. I asked him if that was altogether giving us the best chance, and his answer was that as the Germans had not succeeded in torpedoing any vessel that was going more than 12 knots an hour, and as the "Lusitania" with the boilers which were in commission could comfortably go 21 or 22 knots, it was considered that there was an ample margin of safety.

The Commissioner: With whom was this conversation?

The Attorney-General: With Captain Anderson, my Lord.

Witness: He was the staff captain.

The Commissioner: He was the next under Captain Turner

1107. The Attorney-General: Yes, my Lord. (To the Witness): Now, will you just tell me, was there any boat drill during the voyage?—As far as I am able to answer that question fully, at 11 o'clock there was a bell rung and there was a boat which was kept swung out all the time during the voyage as far as I know, and a number of men came and got into the boat, put on lifebelts for a few seconds and took them off again, the boat not being moved all this time; then they jumped out of the boat and ran back. That is all that I could see in the way of boat drill.

1108. Was there any boat drill before you left New York that you saw?—No, I did not see any.

1109. Now, I want to know this. On the morning of Thursday, that is the 6th, when you were coming nearer to the British Isles, did you notice whether all the boats were swung out?—I believe that Captain Anderson—I am not quite sure, but I think that Captain Anderson told me the night before they would be swung out in the early morning, before the passengers were up, and I think then that all the boats on that day before the torpedoing were swung out to the same extent that that first boat was all through the voyage.

1110. Now, will you just tell us where you were when the ship was torpedoed?—I had come up from lunch in the lift and had gone up to the smoking room, and then,

him come out of the entrance to the staircase, the main entrance on to the boat deck with a life-belt on.

1099. Did you see him for long?—I saw him walk across the deck towards the boat and that is all.

1100. And you do not know what happened after that?—I do not know.

walking through the smoke room, got on to what is called the verandah.

1111. Outside the smoking room?—Outside the smoking room in the open air, and looking straight aft, and I was talking to an American there when the explosion took place.

1112. What did you see, or what happened?—I did not see the torpedo, but I saw the impact, and the immediate result of the impact was that it shook the vessel, as far as I could make out, from stem to stern, and I saw a quantity of water at once pouring down. I suppose it had been thrown up by the force of the explosion, and was coming back again, and almost immediately it seemed to me that the list to starboard started.

1113. Did you see anything in the nature of an explosion or anything of that kind?—There was a violent explosion along with the impact.

1114. I mean did you see anything yourself which indicated an explosion, or are you merely telling us of the impact?—I should find it very difficult to describe, because it was only momentary. I do not think I can say that I saw any smoke or anything of that sort.

1115. You merely felt the impact?—Yes. I felt the impact. I thought at first that it was a mine that we had struck, as I did not see the torpedo.

1116. Did you feel more than one shock?—No.

1117. Now when that happened did you go to your cabin?—I waited for a minute, and then I went down to my cabin on the D deck.

1118. And you got I think a lifebelt?—Well there was no lifebelt properly so called, it was a sort of jacket. I believe it was called Boddy's Patent Jacket.

1119. Was that on top of one of the wardrobes in your cabin?—Yes.

1120. Your cabin was supplied with that?—Yes.

1121. And then I suppose you went back again on to the deck?—I went first to the port side. My cabin was on the starboard side but I groped my way back with very great difficulty as one of the witnesses has said, and I got first on to the port side for a moment, and I saw a man from a great height throw himself into the water and come down what seemed to me to be a fearful smash, and I saw another boat which was half lowered and the falls then seemed to get jammed.

1122. Was that on the port side?—That was on the port side, and a great number of people in that boat were spilled into the water, and I walked back then to the starboard side.

1123. When you got to the starboard side did you yourself get into a boat?—After 7 or 8 minutes.

1124. Eventually did you get into a boat?—Yes. Eventually I got into a boat on the starboard side.

1125. How many were there in the boat with you?—I could not say for certain, but I should think something over 40. I should think as it struck me there were between 40 and 50 people.

1126. Then you got away I suppose and eventually got picked up?—Well, when we got into the boat two of the funnels were hanging over that side and threatening to

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[Continued.]

smash the boats up. I attempted to get into a boat before, but there was a woman with a child in the boat, and she was afraid of me, perhaps, jumping near her, and she screamed to me not to jump, and so I went on to what I imagined to be the last boat there.

1127. Then you got away, I suppose, from the ship?—Well, it was impossible really. We were so tightly packed that it was impossible to move the oars at first, and I thought the funnels would come down.

1128. Did you eventually get away from the ship?—Yes, eventually.

1129. And were you picked up by a Manx fishing smack?—Yes.

1130. How long after was that?—I should think about an hour and three-quarters.

Examined by MR. ROSE INNES.

1136. You said that one of the boats upon the port side spilled passengers into the sea?—A number of passengers. I do not know that they were all spilled into the sea, but the boat seemed to me to tilt up.

1137. Can you give me any idea which of the port side boats it was?—No.

1138. You cannot say how far forward it was or how far off?—It was one of the forward boats, that I can say.

1139. Could you see what caused the boat to tilt?—No, but I presume it was that the ropes would not work

1131. Now I want to ask you, on your boat that you went away in, were there any officers?—No, not so far as I know.

1132. Did you see any officers giving any orders to either of the boats that you were in?—Personally I did not.

1133. Are you in a position to say that there were none or that there were any?—In the boat in which I was?

1134. No, not in the boat, at the boats.—I did not see any, therefore I am not in a position to say there were any—I did not see any officers.

1135. Are you in a position to say there were none there?—I am afraid I could not say that.

Examined by MR. JOSEPH COTTER.

1143. When you left the Verandah Café to go down on to the "D" deck, did you see any of the crew on your way down?—No.

1144. Did you see any passengers coming up?—There were people rushing about in all directions.

1145. Did you see any coming up the companion way?—I saw a lady coming up as I was coming back and I saw a stewardess stop there very coolly and calmly to help her to put on one of these jackets.

1145a. A life jacket?—Yes.

1146. Did you see any other members of the crew assisting the passengers?—Personally, I did not.

1147. Did you see any members of the crew when you got back on to the deck?—I do not think so as far as I know. I think I have tried to answer that question before, and, as far as I am able to judge, I did not see any of the crew.

1148. The question you were answering before was with regard to officers. Now I am speaking about the crew in general?—I am not quite sure where the crew

ends and where it begins. Are the firemen counted as members of the crew?

1149. Absolutely.—I presume there were a number of firemen in our boat, but I did not see them on the vessel itself before we got into the boat.

1150. Did you hear any orders being given?—No, I did not hear any orders being given.

1151. Did you get your lifebelt out of your room yourself or was it given you by a steward?—No, I got it from my cabin myself.

1152. Did you notice when you got to the starboard side of the ship how many boats were left on the starboard side?—No, I could not say at all. The only two boats that I saw were the one which I thought of trying to get into at first and which I was prevented from getting into by this woman who screamed to me not to jump, and the one which I finally got into.

1153. You did not notice the other boats whether they had gone or were standing swinging on the davits?—No, I did not notice them at all.

Examined by MR. SCOTT,

1154. Did you happen to know Mr. Alfred Vanderbilt?—I did not see anything of him on the voyage, but I met him in New York, at the Knickerbocker Club.

1155. You did not see him on the boat?—No, I did not speak to him on the boat, but I was told he was on the boat.

(The witness withdrew.)

MR. FREDERICK E. O. TOOTAL, Sworn.

Examined by MR. DUNLOP.

1156. Were you a first-class passenger on the "Lusitania"?—I was.

1157. At the time the "Lusitania" was torpedoed where were you?—I was down in the saloon—just outside the saloon. I had just finished lunch.

1158. Did you see anything of the submarine or a torpedo?—Nothing at all.

1159. Did you hear an explosion?—Yes; a loud noise.

1160. What did you then do?—I was talking to a lady who was waiting for the lift when it happened, also to another gentleman who was travelling with me, and we both took her by the arm and started going up the stairs, and we got on to the next deck, the "C" deck, on the port side. We then went aft with her to the companion way leading up to the boat-deck where there was a big crowd, and they were taking the women and children first, and we put her on to that.

1161. Who were taking the women and children first—do you mean the crew?—Yes; there were two sailors at the top and there were some passengers trying to keep order and to calm the people.

1162. Did you then get on to the boat-deck and go on to the port side?—Yes, we had to leave this lady there and we went forward on the port side, we climbed up on to the next deck outside the rail.

1163. By this time we know the vessel had a list?—Yes, she had a list immediately.

1164. Did the list interfere with the boats on the port side?—Yes.

1165. What effect had the list?—It seemed to make them swing inboard. I only saw one.

1166. Did you lend your assistance to try and push the boats out on the starboard side?—Yes, with my friend.

1167. Had you any success?—No.

1168. The Commissioner: Were any boats lowered on the port side?—I did not see any, my Lord, lowered. There was a crowd round the boat I was at.

1169. Mr. Dunlop: Failing with the boats on the port side, did you then go to the starboard side?—Yes, we went round to the starboard side.

1170. And did you find a boat there?—Yes, we found a boat there quite empty.

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[Continued.]

1171. I think you went to one of the after boats—the most after boat on the starboard side?—Yes.

1172. That would be No. 21 B?—I do not know what the number was.

1173. Was that boat swung out?—Yes, it was swung out and hanging out from the ship's side about 5 feet.

1174. And was there difficulty in consequence in getting into it?—Nobody would get into it because of that.

1175. Did you assist people to get in?—My friend and I jumped in and we could just reach the hands of the people on deck.

1176. Did you fill the boat?—We got a lot of women in the boat.

1177. What happened to that boat?—They started to lower us when some other people jumped in and the man who was looking after the fore davit ropes could not control them. I think he must have let go of them by

accident and the boat was tilted forward like *that* and we were all thrown into the water.

1178. And did you manage to swim to some other boat?—When I came up I saw another boat about 30 yards away and I swam towards her and they took me in.

1179. And were you afterwards picked up?—Yes, I was afterwards picked up by a trawler.

1180. What do you say with regard to the behaviour of the crew of the "Lusitania"?—I could not see many of them when the accident happened, but those I saw seemed perfectly collected. There were two men at the ropes of that boat that tried to lower us and the men on the boat that eventually picked me up were perfectly right.

1181. So far as you could see, were they rendering every assistance possible?—Those that I saw were, yes.

1182. Was there any panic?—No. There was a great deal of excitement on "D" deck naturally but there was no raging panic.

(The Witness withdrew.)

MR. JOHN FREEMAN, SWORN.

Examined by the SOLICITOR-GENERAL.

1183. You, I think, were on this voyage as a second-class passenger?—Yes, I was with my wife.

1184. You heard the explosion I think?—Yes.

1185. Where were you when heard it?—We were sitting on the promenade deck looking at the coast of Ireland and there was this explosion. It seemed to me to be in front near the first funnel and I said to my wife, "that is a mine"—thinking we were running on to a mine, I did not think that we should be torpedoed without any warning. We stood looking, and immediately there was a second explosion, and that was followed by hot water and steam, and it seemed to me that there were cinders as well. The second explosion took place near to the first one, and that caused a little confusion and alarm, and we stepped into the lounge to get out of the way of the steam and hot water. The second lunch was on, and the passengers came rushing up from the dining saloon, and they had only just started lowering the boats.

1186. There was a little confusion but no panic?—No real panic. There was a little screaming amongst them.

1187. I think your wife suffers very much from the cold, and you thought it was useless to get a lifebelt for her?—Yes, our berth was in the lowest deck.

1188. Your wife suffered from cold, and so you did not attempt to get a lifebelt for her, but took her to the promenade deck—is that right?—Yes.

1189. And you had arranged, I think, beforehand for that?—I had already said that in the event of any disaster we would make for it.

1190. What did you find out when you got to the promenade deck?—As soon as we crossed the gangway the people went up towards the port side almost every one of them, and I said to my wife "We will go the other way," and we lost our foothold immediately going down from the gangway of the vessel, and we slid down the side of the vessel.

1191. I think that was within about three minutes of the explosion?—Yes.

1192. What did you see?—I saw about half-way down the first-class promenade deck some sailors preparing to lower the boat. I thought they seemed to know their business and I noticed that they were regular seamen, at least so it seemed to me from their jerseys. We got our feet again but the list was so great that we fell down again although we were only walking on the promenade deck, but I held on to the railing and supported my wife and got her into the boat.

1193. Then having got her into the boat immediate anxiety for her was ended, and you went and looked for a lifebelt for yourself?—Yes, there was no great crowd getting into the boat at that time. I thought she would be all right so I got a life jacket for myself.

1194. I think you have heard the allegation that has been made by some person—I do not recall who at the moment—that some of the port-holes were open?—Yes. When I had got my life jacket I thought I would like

to see how the passengers were getting on and I went back to the second-class portion of the vessel and found that there was no panic whatever, people were just standing there, and I saw a young man and woman with no life jackets.

1195. That was on deck "E," was it not?—Yes.

1196. I want you to tell us what you saw when you went to deck "E"?—When I went to deck "E" it was in darkness owing to the electric light being out, apart from a little light which came in from the port-holes on the port side of the vessel. The starboard side was entirely in darkness. I did not realise at the time that the vessel was under water, but these port-holes normally are just above the water-line.

1197. Were they shut or open?—They must have been shut because there was no water to be seen running in anywhere.

1198. You saw no port-holes open?—None, whatever.

1199. Then you went back on deck and looked to see if your wife's lifeboat was being got on with all right?—Yes; I got some life jackets and gave them to one or two people and then I went to see how my wife's lifeboat was getting on.

1200. She was saved, I think?—She was.

1201. And then I think you returned to the stern of the vessel and you saw that she was sinking very rapidly?—Yes.

1202. What did you do then?—Well, I jumped overboard just before she went under.

1203. From the starboard side?—Yes.

1204. I think you were only just in time?—Yes.

1205. And then you saw a collapsible boat floating near and you swam to it?—I saw two collapsible boats caught together one on the top of the other.

1206. And you swam to it and obtained some help?—Yes.

1207. And then you pulled about some dozen people from the wreckage on to one or other of the boats?—Yes.

1208. How long was it before you were picked up?—About three hours. We got the collapsible boats free.

1209. I think the witness Quinn was on this collapsible boat, was he not?—Yes, steward Quinn.

1210. I think it was between 8 and 9 o'clock at night when you got to Queenstown—is that right?—Yes.

1211. Now you saw the whole of this occurrence or nearly all of it. Are there any other observations or complaints or criticisms of any kind that you want to make?—Well, I saw a lifeboat on the starboard side lowered a little way and then it got jammed apparently at one end where some men had lost control of the boat and the people were being shot out into the sea and was suspended in the air.

1212. I suppose the whole thing was done under great pressure?—Undoubtedly.

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THEODORE DIAMANDIS.

[Continued.]

Examined by MR. JOSEPH COTTER.

1213. Did you see any of the crew after the vessel was struck by the torpedo?—I saw two of the sailors starting to get ready to lower the boat into which I put my wife. Those are the only ones I saw while I was on that side.

1214. Did you not see any stewards or stewardesses on the way going up from E deck to the boat deck.—No, I did not.

1215. Did you not see anybody when you crossed the gangway, as you call it, the second cabin portion of the boat deck to the promenade deck—the first class—did you see any of the crew there?—No.

1216. Did you go to the port side at all?—We were at the port side when the explosion occurred. I returned to the port side when I went back to the second class portion of the vessel, after seeing my wife safely into the boat.

1217. Was it the starboard side boat, or the port side boat that your wife got into?—The starboard side.

1218. Then you went to the port side?—Yes.

1219. What was the condition of the boats then when you got on to the port side?—I did not notice, but I noticed that none were being lowered or could be lowered, the people were just standing there, crowded up on the deck.

1220. Did you notice the condition of the boats at all?—I cannot say I noticed the condition of the boats at all, because I went below to get these life jackets immediately.

1221. And when you went down a second time did you see any stewards or stewardesses?—No, there was nobody off the deck then—there was nobody down below at all only on the decks.

1222. And you never saw any of the stewards or stewardesses on your journey twice down the companion?—Almost by the time I got my wife safely in the boat everybody had left the decks. This was only a few minutes before the vessel went under, and I was the last man down below and that is why I referred to the port holes being shut.

Examined by MR. CLEM EDWARDS.

1235. After the ship was struck then you notice I a list did you not?—Yes.

1236. That list was over to the side of where the ship had been struck?—Yes.

1237. Did you notice in which direction she was settling in relation to her head?—I noticed that her bows were going under.

1238. They were going under rapidly were they not?—Yes.

1223. And your contention is that practically the whole of the 600 second class passengers had come up on deck?—Every one except any who had fainted in the drawing-room or saloon.

1224. Did you have any difficulty in finding your life-belt?—I got my lifebelt out of a first class cabin myself, but I had to go into several cabins down below on E deck before I found them because it was dark.

1225. You got your lifebelt out of a first class room?—I did.

1226. How did you get down there; did you go down the first class companion way?—I got into one of the deck cabins of the first class. I got my lifebelt just after seeing my wife into the boat.

1227. You did not get into the boat yourself?—No.

1228. You jumped over the side of the ship?—Yes.

1229. Did you hear any orders being given on the deck when you were there?—No, I did not.

1230. Did you see any boats lowered?—No, I did not see one actually lowered, not one, but I saw one on the water just after it had been lowered.

1231. Can you tell us approximately how many boats there were, when you were on the starboard side putting your wife into the boat, still swinging in the davits?—I took my wife to what I thought was the first boat into which people were getting. This was about half-way down the promenade deck; doubtless there were others being lowered at the same time, but this was the first one along that deck that was being filled.

1232. Which deck are you speaking of?—The first class promenade deck.

1233. You did not go on to the boat deck?—I mean the boat deck. I thought that big promenade deck was the boat deck.

1234. The boat deck is the top deck of all where the boats were swung out?—That is right. I went on to the promenade deck afterwards to see if I could see my wife in the water because there were a lot of people in the water on that side.

Examined by MR. CLEM EDWARDS.

1239. Now at any time between the moment that you noticed she was settling down and the time that she disappeared was it a slow gradual process or were there any jumps in the movement?—A slow gradual process.

1240. All the time?—Yes.

1241. And more or less by the head?—Yes.

1242. More to starboard?—Yes.

(The Witness withdrew.)

THEODORE DIAMANDIS, Sworn.

Examined by MR. DUNLOP.

1243. I think you are a Greek?—Yes, I am a Greek subject.

1244. Were you a third class passenger on the "Lusitania"?—Yes, unfortunately.

1245. Where were you when the "Lusitania" was torpedoed?—Myself and two friends of mine, two Greeks, went down and we could not get second class cabins, and we were obliged to take third class cabins. At the time she was struck we had finished lunch about half-past one, and I sat about 20 or 25 minutes talking to my friends, and then I thought of going round to have a shave in the second class.

1246. On the way to the barbers did you feel a shock?—On my arrival at the barber's shop, about 30 or 40 yards on the other side, she was struck immediately.

1247. Did you see anything of the submarine?—After she was struck I ran aft towards the First Class, when I went up on the top deck, and when the "Lusitania" was turning towards the land, then I saw the periscope of the submarine just disappearing.

1248. How far away was the periscope?—I should say about 300 yards.

1249. *The Commissioner*: Which was it you saw the periscope or the conning tower?—The periscope—not the conning tower.

1250. *Mr. Dunlop*: And how far do you say it was when it disappeared?—I should say it was about 300 yards.

1251. Did you afterwards go on to the boat deck?—Yes. I crossed the boat deck to the starboard side.

1252. When you got to the boat deck was there any officer or officers?—There was one standing. There were three boats in that part just swung in the davits and they were lowering them down and there was an officer there attending to it.

1253. And was the officer who was there giving orders to the crew?—Yes, giving instructions to the crew to help the people.

1254. And were the crew to whom he was giving instructions obeying his instructions?—Yes, certainly.

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THEODORE D'AMANDIS.

[Continued.]

Examined by Mr. JOSEPH COTTER.

1255. Did you hear any of the stewards telling the people to get up on to the boat deck after she had been struck?—I did not see any stewards, but on the deck where I was there was an officer giving instructions, and there were two or three people helping the women and children into the boats.

1256. The question I asked you was, did any stewards or stewardesses give any instructions for third-class passengers to get up on to the boat-deck?—There were not any stewards there or stewardesses, only the officers and two or three other people.

1257. Where were you when the ship was struck by the torpedo?—I was on the port side.

1258. Where were you when the ship was struck?—I was crossing the ship from the third class to the second class on the promenade deck.

1259. Your third class promenade deck is really the main deck of the ship?—There is not any promenade deck in the third class on the port side.

1260. It is the main deck?—Yes.

1261. It is the same deck as the entrance to the engine-room is on, is it not?—It is an entrance to the second class.

1262. It is the same deck with two dining-rooms on the third class forward?—No, on the top.

1263. And that is the same deck as you were speaking about, is it not?—Yes.

1264. And the main companion entrance comes out over that deck?—That deck is a long deck for the third-class passengers to promenade and the other is for the second-class passengers. That is the long deck—the promenade deck.

1265. Had you any difficulty in getting up on to the boat-deck?—No, not at all.

1266. The companion is a wide companion with plenty of space, is it not?—Yes, there is plenty of space. There were a few people going up to the staircase on the deck part. They were helping first the women and children going up the staircase on the deck part.

1267. Was there any panic among the third class passengers going up the staircases?—None at all—very little to speak about.

1268. Were any of them attempting to take any baggage with them?—No, I never see any.

1269. Were any of the stewards giving lifebelts out to passengers?—I did not see them.

1270. Did you get a lifebelt?—No, I had none.

1271. *The Commissioner*: You jumped into a boat?—Yes, I jumped into the lifeboat.

1272. And there you remained till you were safely on board a trawler?—I was first of all in a fishing boat and then I was taken from the fishing boat to the "Flying Fish."

1273. You did not want a lifebelt?—No.

1274. *Mr. Cotter*: Did you hear any orders being given when you got up to the boat-deck?—The officer was giving instructions to the people to lower down the boats. The first boat was lowered down successfully.

1275. When you say the first boat, can you tell us whereabouts the first boat was that you saw being lowered?—Just at the back by the mast (*pointing to the plan*).

1276. On the starboard side—on the right-hand side was it?—Yes, on the starboard side.

1277. Had you any difficulty in standing up when you got up there?—Yes, great difficulty; she was listing a lot.

1278. Was there any panic among the passengers?—Not at all.

1279. When you got up on to the deck and going into the boat, were the crew assisting the passengers to get into the boat?—The crew that were there were assisting.

1280. They were assisting the passengers to get into the boat?—Yes.

1281. And there was no panic?—No panic, only a little excitement, that was all.

1282. How many people were there in the boat that you got into?—The boat I jumped into was practically the last boat; there must have been between 30 and 35, about, in her.

1283. You did not notice the number of any boat?—No.

1284. And your boat was successfully launched and put into the water?—Yes, our boat.

1285. Did you see who lowered the boat?—Our boat reached the water by the sinking of the "Lusitania"; we did not practically have time to lower down. She reached the water by the sinking of the "Lusitania."

1286. The ship going down took the boat down?—Yes.

1287. That is how she was put into the water?—Yes.

Examined by Mr. BUTLER ASPINALL.

1288. You remember the vessel being struck on the starboard side?—Yes.

1289. After she was struck did I catch you to say that you ran along the port side of the ship?—I was going on the port side, yes.

1290. Then you ran along the port side?—Yes.

1291. Whilst you were going along the port side of the ship I think you told this gentleman that you saw a periscope?—Yes.

1292. Was that on the port side of the ship?—Well, when I was going round to the port side and when I went upstairs on to the port deck, the "Lusitania" had then practically turned a demicircle towards the shore and from the port side you could then see the periscope from there.

1293. And there on the port side of the vessel you saw the periscope of a submarine?—Yes.

1294. Did you think that was a different submarine to the one which had fired the torpedo?—No, I did not think so. I had seen only one periscope.

The Commissioner: No periscope was seen, as far as I understand, at the time the torpedo was fired, and no conning tower.

Mr. Butler Aspinall: No, my Lord. What occurred to

me was that the ship was struck on the starboard side, and he immediately goes on to the port side and finds a periscope there. It may be due to the fact that the ship had turned.

1295. *The Commissioner*: How many periscopes have you seen in your life?—Only one.

1296. And it was that one?—It was that one.

1297. Have you any experience of periscopes?—No. I have no experience of periscopes, but I have seen them.

1298. One witness in the box told me that the conning tower was like a silk hat?—I know what the conning tower is.

1299. What is the conning tower like?—It is the larger part of the submarine.

1300. How wide is the conning tower?—Larger than this table.

1301. Hold up your hand so that I can see?—As large as that (*describing*).

1302. Rather larger than a silk hat?—I think so. If it was the conning tower that the people went down into the submarine, that is what I call the conning tower.

(The witness withdrew.)

The Solicitor-General: My Lord, with regard to the other passengers, the Board of Trade has a large number of statements made by passengers both of the first, second and third classes. I have read I think all those statements

or all that I have at present before me, and I am bound to tell your Lordship that they involve, in my judgment, a very great deal of repetition, and they do not develop specific complaints so far as my recollection of them goes.

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THEODORE DIAMANDIS.

[Continued.]

except in relation to the suggested inadequacy of speed on the part of the vessel at the critical time, or to the fact that no destroyers were present to protect them, or to the fact of the alleged circumstance that there were no officers at the boats, and so far as I have read these proofs, the complaints which they make go to one or other of these points, and of course the Board of Trade is merely here to assist the Court in arriving at the facts and I find myself in some little doubt as to how far I can usefully assist the Court.

The Commissioner : You must exercise your own judgment of course, Mr. Solicitor, but as to the first two points, the speed and the absence of destroyers, we have, it seems to me, all the evidence that we are likely to get.

The Solicitor-General : I think so.

The Commissioner : There is the third point, namely, the alleged absence of officers at the boats. My experience

tells me that it is not of much importance, but you must use your own discretion with regard to that matter.

The Solicitor-General : Quite. I think, perhaps, the most convenient course would be if your Lordship would give me an opportunity before to-morrow morning of discussing the whole of the remaining balance of this evidence with the Attorney-General.

The Commissioner : Does that mean that you want us to rise now.

The Solicitor-General : It is 10 minutes to 4 my Lord.

The Commissioner : Then it does mean that you want to rise.

The Solicitor-General : No, my Lord. There is nothing that I should like better than to go on taking evidence if it will amuse your Lordship to hear passengers called.

The Commissioner : Then we will rise now till half-past ten to-morrow morning.

Adjourned to to-morrow at 10.30 o'clock

In the Wreck Commissioner's Court.

CENTRAL HALL,

WESTMINSTER, S.W.

Thursday, 17th June, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,

Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,

CAPTAIN D. DAVIES,

LIEUT.-COMMANDER HEARN,

CAPTAIN J. SPEDDING,

Acting as Assessors,

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "LUSITANIA."

THIRD DAY.

The Attorney-General (THE RIGHT HON. SIR EDWARD CARSON, K.C., M.P.), The Solicitor-General (THE RIGHT HON. SIR F. E. SMITH, K.C., M.P.), MR. P. J. BRANSON, and MR. DUNLOP (instructed by Sir Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. LAING, K.C., and MR. A. H. MAXWELL (instructed by Messrs. Hill, Dickinson and Co., of Liverpool) appeared as Counsel for the Owners, the Cunard Company, and the Captain.

MR. DONALD MACMASTER, K.C., M.P. (instructed by Messrs. Charles Russell & Co.), appeared as Counsel for the Canadian Government.

MR. G. A. SCOTT appeared on behalf of the representatives of the late Mr. Alfred Gwynne Vanderbilt, a passenger.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. H. Z. Deane), appeared on behalf of Mrs. Ellen Conghlan,

widow, and the representatives of between sixty and seventy-first, second and third class passengers.

MR. ROSE-INNES, K.C., and MR. H. W. WICKHAM appeared on behalf of Mr. Crichton and certain passengers (instructed by Messrs. Thorne, Mockridge and Co., and Messrs. C. H. Walton & Hurd).

MR. THOMAS PRIEST, appeared for Mr. H. B. Lasseter and others.

MR. COTTER appeared on behalf of certain representatives of the crew.

MR. CLEM EDWARDS, M.P. (instructed by Mr. Alexander Smith), appeared on behalf of the National Union of Sailors and Firemen.

MR. W. L. MARSHALL (General Secretary), appeared on behalf of the Marine Engineers' Association.

Mr. J. D. LANGTON appeared on behalf of the representatives of Mr. Charles Frohman and of Mr. and Mrs. Charles Fowles.

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17 June, 1915.]

MR. JOHN FREDERICK VALENTINE JONES.

[Continued]

The Attorney-General: My Lord, with reference to the ship's manifest that I put in yesterday, and with reference to what took place on the ship starting at New York, there is a letter which I should like to read from the Collector of the Treasury Department of the United States Customs of the port of New York; it is dated 2nd June of the present year, and is directed to Mr. Charles Sumner of the Cunard Steamship Company: "Dear Sir,—I have your letter

of June 1st stating that you have received a cable from your Liverpool office, as follows: 'Send declaration of proper customs officials showing no description of cargo was loaded in violation of American shipping law, particularly as regards passenger steamers.' In reply to this enquiry I have to state all the articles specified in the manifest of the 'Lusitania' are permitted to be shipped on passenger vessels under the laws of the United States."

MR. JOHN FREDERICK VALENTINE JONES, SWORN.

Examined by the ATTORNEY-GENERAL.

1303. Were you chief steward on board the "Lusitania" on the voyage from New York to Liverpool?—Yes.

1304. Have you had more than one voyage on board the "Lusitania"?—Four.

1305. Do you remember the 7th May last, when the ship was struck?—Yes.

1306. Where were you?—Crossing the main companion way.

1307. When she was struck what did you do?—I was told by the second steward, whilst I was coming across, that a torpedo was approaching the ship on the starboard side. I walked outside and saw it coming.

1308. You saw the torpedo?—Yes.

1309. In what direction?—Coming right direct for the ship on the starboard side.

1310. How far away was it when you saw it?—About 60 or 70 yards, I should say.

1311. Did you see any trace of a submarine?—No.

1312. Or a periscope?—Neither.

1313. Can you tell us how far away from where you were standing the torpedo struck the ship?—I should say about 12 yards abaft from where I was standing.

1314. When it struck the ship did you do anything on Deck B about the lifebelts?—The lifebelts were all in the rooms.

1315. Did you give any orders, or call out anything?—I called out to the passengers as far as I could see directly as I went about the ship from deck to deck and to the crew also to get their lifebelts.

1316. Did you give any directions to the stewards and stewardesses?—All I met I told to assist the passengers as much as they possibly could with their lifebelts.

1317. Did you go yourself to the smoking room and lounge?—Yes.

1318. Did you proceed to give the same directions there?—Yes.

1319. Everywhere you went along?—Everywhere I went.

1320. Do you remember when you got on A. deck seeing boat No. 17?—Yes.

1321. What condition was she in?—Down by the head.

1322. What had happened?—The line had evidently run through the block.

1323. Was that on the port side or on the starboard side?—The starboard side.

1324. What did you do after that?—We hoisted it up immediately.

1325. What happened to that boat afterwards?—I could not say.

1326. Did you see whether she was filled?—It was full of people. I was then engaged at the after end of 15 boat, which came near the forward end of 17 boat. I think the rope of 17 boat ran through my legs whilst I was at 15, and I think 17 went down again.

1327. What happened to 15?—15 got safely away from the ship.

1328. Was she filled with passengers?—She was filled with passengers.

1329. Then you yourself, I think, jumped into the water?—I jumped into the water when the ship was sinking.

1330. And you were picked up, eventually?—Yes.

1331. Were there ample lifebelts?—Ample for everyone.

1332. In all the rooms?—Everywhere.

1333. And in all the rooms were there notices with regard to the belts?—Yes.

1334. Do you know whether on the top deck there was a reserve of lifebelts?—I did not see them this voyage, but I believe there was. On previous voyages there had been.

1335. On the Thursday, the 6th May, was anything done as regards the lifeboats—that was the day before?—There was the usual lifeboat drill.

1336. Was anything done to the boats; were they swung out?—All swung out.

1337. Do you remember on the 7th May any orders being given as to closing the bulkhead doors?—Yes. On the morning of the 7th May the staff captain met me on the main companion way, C deck, and said they wished the bulkhead doors to be closed and also the ports, and he said he would go down and see it done himself.

1338. Was that Captain Anderson?—Yes, Staff Captain Anderson.

1339. As far as you know were they all closed at the time of the ship being struck?—I believe they were.

Examined by MR. ROSE-INNES.

1340. With regard to the lifebelts, whereabouts had you seen any lifebelts on the deck prior to the ship being struck?—On this voyage I had not seen any.

1341. Were there any lifebelts available, after the ship was struck, from the decks that you saw?—No.

The Commissioner: At present I believe they were there.

Mr. Rose-Innes: I am only putting the question.

The Commissioner: I do not want you to put questions unless you have an object. Have you evidence that they were not there?

Mr. Rose-Innes: Yes, my Lord, I have.

The Commissioner: Then it is quite right you should put the question.

1342. *Mr. Rose-Innes:* (To the Witness.) With regard to the boats, you saw one of these boats, No. 17,

I think, slip into a vertical position?—No, I did not see it slip.

1343. Did you see it just after it slipped?—I saw it in that position.

1344. Was it the bow or the stern which slipped?—It was hanging bow down.

1345. Were any persons thrown from that boat into the water?—I could not say.

1346. Did any similar accident happen that you saw to any other lifeboat?—I did not see any.

1347. That was the only one you saw?—Yes.

1348. And that too was No. 17 boat?—No. 17.

1349. *Mr. Scott:* Did you know Mr. Vanderbilt?—Yes.

1350. Did you happen to see him after the torpedo struck the ship?—No.

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MR. ALBERT ARTHUR BESTWICK.

[Continued.]

Examined by MR. CLEM EDWARDS.

1351. Did I understand you to say that the watertight doors were closed before the torpedo struck the ship?—I said Captain Anderson gave orders and went down himself, and I understand he expressed himself afterwards as being perfectly satisfied that everything was tight on the "E" deck.

1352. That was in the morning of the day the torpedo struck the ship and before it struck the ship?—That would be in the morning.

1353. What watertight doors would those be?—Those on "E" deck forward.

1354. Were those the only watertight doors that were closed before the torpedo struck her?—There are watertight doors in other parts of the ship, in the engine room and the store room on "E" deck which I do not know anything at all about.

1355. Is it your understanding that those watertight doors were closed up to the time the torpedo struck the ship?—I do not know positively.

1356. You do not know positively but is that your understanding of it?—I did not go down just before the ship was struck but they were closed previously according to Captain Anderson.

1357. From the observations made by Captain Anderson you understood the watertight doors were shut on the morning the torpedo struck the ship?—Yes.

1358. Was it your understanding, without being positive about it, that the watertight doors had re-

mained closed up to and including the time when the torpedo struck the ship?—Yes, I understood that.

1359. Whereabouts were you in relation to the position where the torpedo struck the ship?—I was just outside the main companion way on the starboard side.

1360. Where would that be precisely in relation to where you understand the torpedo struck the ship?—I should suppose it would just be forward of amidships—slightly forward of amidships.

1361. Which deck were you on?—"B" deck.

1362. Did you go any lower than "B" deck after the torpedo had struck?—Yes, I went to "C" deck.

1363. Did you see any water there?—No, not on "C" deck.

1364. Did you see anyone immediately after the torpedo struck her who had come up out of any of the watertight compartments forward of where the torpedo had struck and from a deck as low as "F" deck?—I did not quite catch your question.

1365. Immediately after the torpedo struck did you see anybody who you would have known had come up from a part of the ship forward of where you were and from as low as "F" deck?—No, I could not remember.

1366. Do you know whether any steps were taken to ascertain what damage had been done in particular watertight compartments?—I do not know.

Examined by MR. BUTLER ASPINALL.

1367. You have been asked some questions about the lifebelts. We were told by a gentleman called Mr. Albert Laslett, the Board of Trade Engineer, and ship surveyor at Liverpool, and also by Captain Barrend who was the Board of Trade Emigration Officer at Liverpool, that they surveyed amongst other things, and inspected, the lifebelts. Do you remember them doing that?—Yes, they did that very fully.

1368. And they told us that they were satisfied, and that they were adequate in numbers and quality.

I notice there was no cross-examination directed to either of those points.

1369. *The Commissioner*: I am not going to listen to the evidence of people who say they did not see them. I did not see them, and no doubt many people did not see them. (*To the witness.*) Were you on the ship when she was lying in New York?—Yes.

1370. Is there any reason, so far as you know, for saying that the lifebelts were taken off the ship in New York?—No.

(The witness withdrew.)

The Attorney-General: Your Lordship asked me to get out the numbers of the passengers and crew on board, and the survivors. I have had them made out and will hand them in.

The Commissioner: I want you before you finish,

to read, or to ask Mr. Solicitor to read, the questions one by one so that we may see that the evidence has been given which is required for answering them.

The Attorney-General: Yes, my Lord. That will be when our evidence is closed.

MR. ALBERT ARTHUR BESTWICK, SWORN.

Examined by THE SOLICITOR-GENERAL.

1371. Were you junior third officer of the "Lusitania"?—Yes.

1372. Did you attend to boat drill before the vessel left New York on the last voyage?—That was my first voyage on board.

1373. I mean on this voyage before she left New York?—Yes.

1374. The boats were swung out; were they put into the water?—No; there was a coal barge underneath the boats where I was. I cannot answer for other boats, but my section's boats were not put into the water because of the coal barge underneath.

1375. On the 6th May was there any boat practice—the day before the accident?—There was the usual boat practice at 11 o'clock.

1376. Now, I want to come to the 7th May, and I want you to tell me how your attention was first directed to what happened to the vessel. What did you see or hear?—I heard an explosion. I was in the officers' smoke room at the time, and I went out on the bridge and I saw the track of a torpedo.

1377. Where?—It seemed to be fired in a line with the bridge, and it seemed to strike the ship between the second and third funnels, as far as I could see.

Then I heard the order given "hard-a-starboard" and I heard Captain Turner saying "lower the boats down level to the rail" and I went to my section of boats.

1378. Where was your boat station?—My boat station was No. 10 on the port side.

1379. That was your individual boat?—Yes, that was my individual boat; my section was from 2 to 10.

1380. You were responsible generally for boats from 2 to 10?—Yes.

1381. What did you do when you went to the boats?—I started to get No. 10 lowered down to the rail, but it landed on the deck. Captain Anderson was there beside me and he said: "Go to the bridge and tell them they are to trim her with the port tanks." I made my way to the bridge and sung out that order to Mr. Heppert, the second officer. He repeated it and I came back again and No. 10 boat was on the deck. We tried to push it out, but we could not do it.

1382. How was the ship behaving at this time?—She had a big list to starboard on her.

1383. Did any of the boats 2 to 10 for which you were responsible get away?—Not to my knowledge.

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MR. ALBERT ARTHUR BESTWICK.

[Continued.]

1384. *The Commissioner*: Do you refer to the even numbers on the port side?—Yes.

1385. *The Solicitor-General*: How long did you continue your efforts to get the boats off?—Until she went down.

1386. *The Commissioner*: Did you continue at the port boats until the ship went down?—Until the water came up and we could not do it any longer.

1387. What was the good of working at the port boats if you could not get them down?—Well, Captain Anderson was there beside me and I took most of my orders from him.

1388. Did you think it was worth while trying to get the port boats out?—I thought when we trimmed her with the port tanks she might right herself a little bit.

1389. Immediately after the torpedo struck her she took a list to starboard did she not?—Yes.

1390. A very bad list?—Yes.

1391. Did she then apparently attempt to right herself or did she go on listing?—She went on listing for about 10 minutes I should say.

1392. Then what happened?—Then she seemed to rectify the list a little bit.

1393. She went over and came back again?—A small bit.

1394. But she never lost her big list to starboard?—No.

1395. Then I want to know why you went on working at the port side boats?—When she rectified herself a little bit it gave us encouragement and we thought she might come up altogether or it might give us a better chance.

1396. *The Solicitor-General*: Did you think it was hopeless to get them away or not?—No, I did not think it was hopeless.

1397. And you say Captain Anderson was there with you?—Yes.

1398. I think when the water came aboard you stepped over the side into the water?—Yes.

1399. How far was that off; how far was the drop?—Two or three feet.

1400. And you were dragged down and afterwards you came to the surface and took refuge on one of the collapsible boats?—Yes. A man named Quinn pulled me on.

Examined by MR. ROSE INNES.

1401. You told us just now that there would be the usual boat practice at 11 o'clock on May 6th?—Yes.

1402. Will you describe what you mean by the usual boat practice?—My watch in the morning is from 8 to 12, and the boat practice and fire drill is at 11 o'clock, and as far as my connection with the boat drill is concerned I have nothing to do with the boat drill, but I telephoned down about the fire drill. As far as boat drill is concerned I have nothing to do with it. I am on watch on the bridge at the time.

1403. *The Commissioner*: But can you see it on the bridge where you stand?—I cannot see any details. I can see the men getting into the boats.

1404. But you can tell that gentleman what the boat drill consists of?—I could not.

1405. Yes you can, you know. You ought to know it. What do they do?—It is too far back for me to see. I could not tell you.

1406. How long have you been at sea?—Since 1908.

1407. That is seven years. Have you been on the Cunard Line all the time?—No. That was my first voyage.

1408. That was your first voyage in a Cunarder?—Yes.

1409. Have you been on a big liner before?—No.

1410. Was this your first voyage on a big liner?—Yes.

1411. *Mr. Rose Innes*: Did you ship in England for New York?—Yes.

1412. You signed articles in England?—Yes.

1413. You had taken the outward journey and were coming back?—Yes.

1414. You said there was boat drill. What did you actually see taking place at 11 o'clock on the morning of the 6th. What did you see yourself?—I cannot remember that I saw the boat drill.

1415. You told us there was one?

The Commissioner: There would be a boat drill, but you are quite right, Mr. Rose Innes, in asking what it consists of.

1416. *Mr. Rose Innes*: Did you ever examine these boats yourself?—No, I examined the gear in them.

1417. Did you know that one of them leaked so badly that she went down with the passengers in her, and they were all drowned but two?—No.

Mr. Butler Aspinall: I submit it is somewhat hard on us these topics being introduced on the third day of the enquiry. This is the first we have heard of it.

The Commissioner: What was the question?

Mr. Butler Aspinall: Whether one of the boats was leaking so badly that it went down by the head and all the passengers were drowned.

Mr. Rose Innes: "By the head" is an interpolation by my friend.

The Commissioner: That is a perfectly proper question, but this man does not know anything about it.

Mr. Rose Innes: I am quite content if he does not know.

The Commissioner: You had better ask others.

Examined by MR. CLEM EDWARDS.

1418. Where were you at the time the torpedo struck the ship?—In the officers' smoke room.

1419. Did you come out immediately after?—Yes.

1420. Where did you go to?—To the starboard side of the bridge.

1421. Did you hear any instructions given by the officers on duty?—I heard the captain giving instructions.

1422. Did you hear him giving any instructions with regard to watertight doors?—No, not when I was on the bridge. I was only there a matter of 10 seconds.

1423. Did you hear him give instructions to anyone to go below and see if they could ascertain the extent of the damage?—No.

1424. *The Commissioner*: You were within earshot of the captain for 10 seconds I understand you to say. Is that right?—As far as I can tell, yes.

The Commissioner: He was not likely to hear much then.

1425. *Mr. Clem Edwards*: I did not catch that he said 10 seconds, my Lord. (To the Witness.) You were only there, were you, for a matter of 10 seconds?—About that time.

1426. Do you know whether in fact any instructions were given to take soundings in different parts of the ship?—I did not hear any.

1427. Nor hear that instructions had been given?—No, it would not come within my knowledge.

Examined by MR. BUTLER ASPINALL.

1428. You remember the morning of the 7th May. During the 8 to 12 watch were you on duty?—Yes.

1429. What was the character of the weather during that time?—A thick fog.

1430. Were you taking soundings?—Yes.

1431. Why were you taking soundings?—Because of the fog.

1432. It was to ascertain as well as you could the position of the ship?—Yes.

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MR. ROBERT HENRY DUNCAN.

[Continued.]

1433. Later on do you remember sighting the Old Head of Kinsale?—Yes.

1434. After a time did you get it 4 points on your port bow?—As far as I can recollect it was 5 points when I went down.

1435. Did you at any time get orders to take a 4-point bearing of the Old Head of Kinsale?—Yes.

1436. Did you proceed to carry out that order?—Yes.

1437. Did you complete that operation or did you leave it to somebody else?—I left it to somebody else; I was relieved on the bridge.

1438. Who was the gentleman you left there?—Mr. Stevens.

(The Witness withdrew.)

Mr. Clem Edwards: Will your Lordship allow me to make an application? I understand from your Lordship's observation that there are certain questions that have been formulated which go to the matters which have to be investigated on this inquiry. It would be a matter of very great convenience to my friends and myself if at this stage we could be supplied with copies of those questions, instead of their being left until the end of the inquiry, when all the witnesses have been heard.

1439. *The Commissioner:* Was that at 12 o'clock?—No. This would be shortly before 2 o'clock.

1440. I thought your watch was up to 12 o'clock?—My watch was up to 12 o'clock, but I go down to dinner at 1, and then I come up to relieve the junior officer on the bridge.

1441. *Mr. Butler Aspinall:* And you did not complete this operation?—No.

1442. Will you tell me what was the object of your getting a 4-point bearing?—To find the distance that the ship would be off the land and if she was abeam the Head of Kinsale.

1443. That is the still recognised way, is it not, at sea in order to get your distance from the land and your accurate position?—Yes.

The Commissioner: Do you object to that, Mr. Attorney?

The Attorney-General: I have no objection.

The Commissioner: Then you shall be supplied with a copy, Mr. Edwards.

The Attorney-General: The procedure laid down is that the questions are read out at the end of our evidence, but I have no objection to Mr. Edwards having them beforehand.

The Commissioner: Then let him have a copy.

MR. ROBERT HENRY DUNCAN, SWORN.

Examined by MR. BRANSON.

1444. Were you the first senior third engineer on board the "Lusitania"?—I was.

1445. Shortly after 2 o'clock on the 7th May, I think, you were walking up and down the port side of C deck?—I was.

1446. Did you hear an explosion?—I heard an explosion.

1447. Did you then go about among the passengers trying to reassure them?—There were quite a number of second cabin passengers on the same deck at the time, and there was great excitement caused through the explosion, and I tried to pacify the people as best I could for the time being.

1448. Some time after that did you hear the sound of a second explosion?—I heard the sound of a second explosion.

1449. Could you tell me where that second explosion occurred?—I could not exactly tell you where it occurred, but it must have been nearer to me than the first one, because where I was standing there was a thermo tank and a piece of the thermo tank flew off and dropped at my feet after the second explosion.

1450. Where were you standing?—Just abaft the engineers' quarters.

1451. Would that be where the main mast comes down?—Just exactly the place where the main mast comes down.

1452. In your opinion did the explosion occur just about there?—It was forward of that, because a piece of the tank flew off.

1453. *The Commissioner:* What was the interval between the two explosions?—I should say about a minute or a couple of minutes, from what I can gather.

1454. *Mr. Branson:* Then I think you assisted people to get lifebelts on?—I did.

1455. And finally you went into the water as the ship went down?—I walked down the port side in nearly an upright position.

1456. And you were rescued by getting on to a tank and being picked up?—I was holding on to a small tank out of one of the lifeboats.

1457. When were you last in the engine room?—12 o'clock noon.

1458. Can you tell us what was the condition of the bulkhead doors at that time?—We were slowed down, through hazy weather, from 8.26 (I reported on the Engineer's log) till $\frac{1}{2}$ to 12, and we had to close all doors possible during hazy weather, by the orders of the Chief Engineer.

1459. Were all the doors possible closed?—All the doors possible were closed.

Examined by MR. MACMASTER.

1460. I understand you were instrumental in saving some of the passengers?—I was.

1461. You rescued a lady, I think?—A Mrs. Adams of Bristol, I found out.

1462. I see, from the draft of the questions submitted to you, that you rescued a Canadian lady.

Perhaps you will be kind enough to tell me her name?—The Canadian lady was Mrs. Adams. There was another lady and a gentleman on the tank, but the gentleman died from exposure, and the lady got hysterical and we lost her too.

Examined by MR. CLEM EDWARDS.

1463. I think you told my friend that all the watertight doors it was possible to close were closed?—That is so.

1464. Were there any that it was not possible to close?—No, we cannot close them on account of working the ship.

1465. I am afraid you did not quite understand my question. You say that all the watertight doors which it was possible to close were in fact closed?—Yes, they were closed.

1466. Were there some doors which it was not possible to close?—There were some doors, yes.

1467. What particular watertight doors were those?—The hydraulic doors.

1468. In what position would those doors be?—These doors I am referring to were in the engine room.

1469. *The Commissioner:* I understand you to say that they are doors which must be kept open in order to work the ship?—Yes.

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MR. ROBERTSON.

[Continued.]

1470. *Mr. Clem Edwards*: That means that they are doors between the engine room proper and the stokehold. Is that right?—There is only one door between the engine room proper and the stokehold in the engine room.

1471. Was that door closed or not closed?—That door was closed.

1472. Now I want to get exactly what watertight doors were not closed?—The doors leading into the different H.P. engine rooms were not closed.

1473. How many of those doors are there?—Two.

1474. Were they closed at any time?—They were not closed during my watch.

1475. And your watch lasted from what time till what time?—From 8 till 12.

1476. And they were not closed then?—They were not closed then.

1477. Where were you when the torpedo struck the ship?—I was walking up and down on the port side by the engine-room door.

1478. And immediately the torpedo struck her what did you do?—I tried to pacify the passengers round me as best I could.

1479. You did not go into the engine room?—Not at that moment.

1480. Did you go into the engine room later?—When I went into the engine room I met the chief engineer coming out, and he told me I could do nothing down below, but I was to look after myself.

1481. So that you cannot say whether in fact these two watertight doors you have spoken of were closed or not?—I cannot say.

1482. *The Commissioner*: Where are these two hydraulic doors worked from?—From the bridge.

1483. *Mr. Clem Edwards*: Which deck were you on?—C deck.

1484. Did you see any water?—When I left the ship the water was coming over the starboard rail.

1485. That is when you got on to the side of the ship?—Yes.

Examined by Mr. BUTLER ASPINALL.

1486. With regard to these doors which were not shut, you have told my Lord that they are operated from the bridge?—Yes, they are operated from the bridge.

1487. Has the officer on the bridge in front of him a little plan which enables him to see at once what

doors down below are shut and what are open?—Yes, he has an indicator on the bridge.

1488. So that he has information to tell him exactly which doors are shut and which are open?—Yes.

(The witness withdrew.)

MR. ROBERTSON, SWORN.

Examined by THE ATTORNEY-GENERAL.

1489. Were you the carpenter on board the "Lusitania"?—I was.

1490. At New York did you examine the lifeboats?—I did.

1491. In what condition did you find them?—In perfect condition.

1492. Was anything done under your orders, or did you see anything done, as to oiling the drop point bolts?—Yes.

1493. The drop point bolts fix the lifeboats, do they?—No; there is a skid that the ordinary lifeboat rests on above the deck lifeboat and there are pins connecting the stanchion to the skid. These skids have a drop point and you have to use your two hands to take out that bolt and the skid is quite clear. Even if these skids were not able to clear, the boat would float all the same.

1494. The boat underneath is a collapsible boat, is it?—It is a deck boat.

1495. They call it semi-collapsible, I think?—Yes.

1496. Is the necessity for this oiling to make it more easy to remove the skids?—Yes.

1497. Was the oiling done before you left New York?—Yes, it was.

1498. Was all that was necessary for the removing of the skids left in good order?—Yes.

1499. On Thursday, the 6th May, we know that the lifeboats were swung out. Did you examine on that day the collapsible or semi-collapsible lifeboats?—Yes.

1500. Were they all right?—Yes, in perfect condition.

1501. Did you also examine the pins and the gear in the lifeboats?—Yes.

1502. Were they all right?—All right.

1503. Perhaps you can tell me whether at any time before the ship was struck the portable skids were removed?—No.

1504. I mean the skids that keep the semi-collapsible lifeboats in their place?—No, that is only a minute's work; it is not necessary.

1505. I am asking you, were they removed as a fact?—No.

1506. If they had been removed could not the semi-collapsible lifeboats have easily fallen themselves automatically into the sea?—Even if the skids were not removed, they would still fall into the sea.

1507. At all events you say they were not removed?—No.

1508. Was it your duty to take care of Nos. 22 to 22E boats?—Yes.

1509. And to superintend their launching?—Yes.

1510. On the 6th May, did you have boat drill in connection with your boats?—That was on the Thursday?

1511. Yes, that was the day before?—Yes, on the Thursday morning at 5.30.

1512. And you left the boats swung outwards?—I left them swung out.

1513. With regard to the watertight doors in the hold, will you tell us how they are secured?—There is an iron hatch; that is watertight.

1513A. How was that made watertight?—There is a rubber joint secured by bolts round it.

1514. Is that screwed down?—That was screwed down in New York.

1515. Did you yourself see it secured?—I saw it secured along with two of the shore gang at New York.

1516. On the 6th May did you yourself see whether the after store was made watertight?—Yes.

1517. What was done to that?—Just the same as No. 1.

1518. Screwed down?—Screwed on.

1519. Did you examine the steerage pockets?—Yes.

1520. What are they?—They are the lower pockets on the lower deck, M, N, and P sections for steerage passengers. There were no passengers there, so I shut up the place.

1521. Was that rendered watertight?—Yes.

1522. What did you do to that?—I screwed on the scupper plugs and shut the watertight doors.

1523. That was on the Thursday?—On the Thursday.

1524. Did you close all the bulkhead doors there?—Yes.

1525. As regards the other watertight compartments, is there regular drill for the stewards to close them as immediate occasion may require?—Yes, they are drilled every day in bulkhead work.

1526. On the day when the ship was struck, did you, when you saw that she was struck, go to your boat station?—Yes. I thought, owing to the heavy list, something serious had happened, and I thought it best to go to my boat station.

1527. That was 22 to 22E boats?—Yes.

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MR. ROBERTSON.

[Continued.]

1528. What did you find when you got to 22?—When I got to 22 boat I saw the boat had gone, and I told two stewards to pick up the falls and get them attached to 22A, and looking over the side I found the afterfall was gone altogether, block and all; and it was useless then to attempt anything as far as putting the boat over the side with the falls was concerned.

1529. Where had boat 22 gone to?—That I could not say. It appeared to me that there was a bit of wreckage hanging to the forward fall.

1530. Did you give any orders as to clearing away the collapsible boats?—I did.

1531. To whom did you give them?—To the stewards standing around.

1532. Were those launched?—No.

1533. Why?—Just because we could not launch them without the fall. We had to wait till the boats floated off the ship.

1534. What I suggested to you was that if the skids had been removed they would have floated themselves off?—Yes—well, they did float.

1535. Would they have floated off earlier?—No, they could not, because that was the last point at which they touched the water the highest point on the ship.

1536. Were any of them tied down?—Yes, they were tied down with gripes.

1537. Should those have been removed?—No, because if the ship rolled the boats would be all over the deck.

1538. What I suggest is, right or wrong, that when you came within the danger zone, what I may call the war zone, would it not have been proper to loose those collapsible boats, so that in the event of the ship being struck they could be easily floated?—I do not think so; because you might do as much damage to the passengers by loosening the boats as otherwise.

1539. At all events they were not loose?—No, that is the aft boats.

1540. *The Commissioner*: These collapsible boats. I understand, were on the deck?—Yes.

1541. They were not hanging up in any way?—No.

1542. They are strapped, as I understand, in order to prevent their slipping about?—Well, the aft boats are strapped, from 22A to 22E, that is five boats altogether.

1543. But I suppose you cannot have them loose on the deck; they must be held in position?—That is so.

1544. Because if the ship was rolling at sea they would be all rolling about?—Yes.

1545. So that you would have to strap them in some way. Now, supposing you had had them unstrapped as Sir Edward Carson suggested, when the ship took the list what would have become of them?—If they had not been strapped they would just fall to leeward.

1546. They would have all gone down like the port boats did?—They would help to list the ship. They would all drop to the lee side.

1547. I want to know, would they encumber the deck?—They would, on the port side.

1548. I should have thought they would have encumbered the deck on the starboard side?—No, they would fall off the ship on the starboard side.

1549. I know they would; they would come down and fall against the passengers on the starboard side, and cause confusion, I should think?—No, they would fall off the ship on the starboard side. The ship was listed to starboard.

1550. *The Attorney-General*: They would fall off the ship into the sea?—Yes.

The Commissioner: But before they fell off into the sea they would smash the passengers.

The Attorney-General: They were quite at the very side of the ship, my Lord; they would not smash any passengers. If your Lordship will look at this diagram it will explain the position. (*The Attorney-General explained the position on the diagram.*)

1551. *The Commissioner*: (To the witness.) Are the collapsible boats never put amidships?—Not in the "Lusitania."

1552. Are they in any liners?—On the "Aquitanian" I believe they are.

1553. *The Attorney-General*: I want to ask you about the gripes that you spoke of, for keeping them in their places. Are not these boats fixed on what are called chocks?—Yes.

1554. And are not those chocks bolted in the deck?—No.

1555. How are the chocks fixed?—There is what I would call a deck plank. There is a notch in the plank, and the deck lifeboat sits in the plank and it is chocked on either side to keep it upright.

1556. Are not the chocks screwed into the deck?—No.

1557. Without, therefore, the gripes being there at all, would not the boats have kept in their place unless there was a very heavy list which would bring them over into the sea?—The boats would remain in their place if the ship remained steady.

1558. What I want to get is this. In the event of a sudden attack on the ship of this kind would it not be proper to have removed both the skids and the gripes, so that these boats might be more easily got into the sea?—Perhaps I have not made it quite plain. From No. 1 to No. 20 there are no gripes. From 22A to 22E the boats were fastened with gripes.

1559. But there were skids, were there not?—Yes, there were skids from No. 1 to No. 20. The weight of the top boat keeps the other boat in its place, and then there is an outer sling goes round the boat at sea.

1560. We know that the boats were slung out on the 6th, so that you could have removed the skids from over these collapsible boats, and they were not removed?—They were not removed.

1561. I do not know whether you are able to answer this or not, but would it not have been a prudent precaution, knowing that you were within the danger zone, to have removed them? I shall have to call the captain again to ask him a question about it?—I do not think so.

1562. Were you yourself attempting to loose some of these collapsible boats?—Yes, I loosened them all on the port side.

1563. Before you were washed into the sea yourself?—I loosened them all on the port side and then went for my lifebelt, and when I came up I noticed one of the boats, 21E on the starboard side, still fast, and I loosened that, and I was busy at that when I was washed into the sea, or slipped into the sea.

1564. I put it to you, that it would have been prudent to have loosed that boat before the ship was struck?—No.

1565. The advantage of these boats is, is it not, that they cannot sink?—That is one of the advantages, provided they are not injured in any way.

1566. I mean, if they slide automatically into the sea, provided they are not injured, they do not sink?—No.

1567. And they are available for people to get on to, like a kind of raft?—Yes, like a raft.

1568. When you were washed into the sea, that was just a moment before the ship disappeared. I think?—Yes.

1569. Did you yourself see three of these collapsible boats?—Yes.

1570. In what position were they?—One on top of the other.

1571. And I believe you, with others, got them separated?—That is so.

1572. And you went round and picked up a large number of people?—Yes. The boat I was in was badly damaged.

1573. How many did you pick up altogether?—I think it would be about 27.

1574. And then you were taken over by the "Indian Empire"?—No. There was a boat which asked me if I wanted assistance, and I told them No, to go ahead and see if they could pick up anybody who was worse off than us. Then I saw a boat in a sinking condition, and I hailed Mr. Jones, who was in charge of another boat, to take some women and children out of her, and when he came alongside he told us we all had better come into his boat.

1575. Was that the "Indian Empire"?—No, that was one of the ordinary lifeboats.

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MR. ROBERTSON.

[Continued.]

Examined by MR. ROSE INNES.

1576. I did not catch your official position?—I am the ship's carpenter. I am a shipwright by trade.

1577. Do I understand you to say that you examined the lifeboats before the ship started on her voyage from New York?—I did.

1578. Every one of them?—Every one of them.

1579. Were they lowered into the water?—No.

1580. How would you detect a leakage unless a boat was sunk into the water?—I could detect the leakage, or if there was anything the matter, by sounding the boat, by going round it.

1581. Did you go round those boats and sound them all?—I can see, from walking round the boat, or inside the boat, if there is anything the matter.

1582. Can you?—Yes, I can.

1583. Did you discover anything the matter with any of those boats?—Nothing whatever.

1584. Supposing one was launched after the accident and it began to leak, how would you account for the leakage?—Perhaps the plug might be out.

1585. The plug might be out, the bottom of the boat might be out, but how would you account for the leakage?—Providing the plug was in, if we had had a fine voyage and warm, there might be a certain shrinkage in the timber, but as soon as the boat got into the water it would take up and the boat would be tight. If we had a rough voyage the boats would be tight when they got into the water.

1586. Had you a strong sun before the 7th May?—Fairly strong.

1587. Were these boats covered with canvas or tarpaulin?—They were covered with a canvas cover.

1588. The sun would not reach their bottoms very easily, would it?—Yes.

1589. How?—It would depend on which way the sun was shining whether it would reach the side of the boat.

1590. But you do not imply that the sun in the early morning or evening is as strong as at mid-day, do you?—Oh no, certainly not.

1591. Do you seriously suggest that if one of these boats was found to be leaking, it might have been caused by the rays of the sun during the journey?—It might have been.

1592. Do you suggest it. You say there was boat drill on the 6th of May. Were you present at that?—I was.

1593. What was done?—We swung out the boats.

1594. Do you mean you swung the davits clear?—Yes, we swung the davits clear and had the boats ready to lower into the water.

1595. Were there any men in them?—No, it is not necessary to put men into them.

1596. You swung the davits out and swung the boats clear, did you?—Yes.

1597. Was anything else done?—No, that was all.

1598. How long did the boat drill last altogether?—I should say we finished at 6 o'clock.

1599. What time did you start?—At 5.30 every boat in the ship was manned. There were 22 ordinary lifeboats swung out.

1600. Did you superintend this drill, or did you see it take place?—I superintended the drill at Number 22 boat.

1601. You were not present, were you, at the 11 o'clock drill spoken of?—No.

Examined by MR. CLEM EDWARDS.

1602. Do you have a book of instructions from the company?—No, I have no book of instructions.

1603. Where are your duties defined as chief carpenter?—I am a shipwright and my duties take me from the keel to the truck.

1604. I am not asking what they are, but I am asking where your duties as chief carpenter are defined?—I am the chief carpenter.

1605. That I understand. Have you no printed or written instructions which show the limits of your duties?—No.

1606. None at all?—

The Commissioner: Have you ever heard of such a book on these liners?

Mr. Clem Edwards: Yes, my Lord, we had one in the "Titanic" Inquiry.

The Commissioner: A book of instructions for the carpenter?

Mr. Clem Edwards: Instructions setting forth the particular duties of the different officers.

The Commissioner: There was a general book, I know; but was there any book specially directed to the carpenter?

1607. *Mr. Clem Edwards:* Not specially directed, but the carpenter's duties were defined in one part of the book as the duties of other officers were defined in other parts of the book. (*To the witness.*) But you have not had a book of instructions yourself?—No.

1608. And you have had no written or printed instructions defining your duties?—No.

1609. What are your duties as chief carpenter in relation to the hull of the ship?

The Commissioner: I see, Mr. Edwards, in this book, "Rules to be observed in the Company's service," the carpenter "shall examine the masts and the pumps, and report their condition to the officer of the watch. The carpenter shall deliver his monthly expenditure and requisition to the Marine Superintendent." As far as I know, those are the only directions in the book with reference to the carpenter, but I dare say you will agree that the carpenter has to do a great deal more than is mentioned in that book.

1610. *Mr. Clem Edwards:* I should have thought it would have been the shortest way if his duties

had been set forth in writing, but I think I can get it from the witness. (*To the witness.*) In relation to the hull of the ship, what are your duties?—Well, I examine the hull if we are going to take in cargo, outside the engine department.

1611. It would become your duty, would it not, if any damage were done to the hull of the ship, to make an examination?—That is so.

1612. Is it any part of your duty to see whether the watertight doors are working properly?—All the hinged doors come under me, excepting the engine department.

1613. Then excluding the engine department, it is your duty to look after the watertight doors that are on hinges. Where were you at the time that the torpedo struck the ship?—I was just about the entrance to "P" section on the shelter deck; that is the "C" deck.

1614. As soon as you think damage might be done to the hull of the ship, is it your duty, without instruction from the captain or the officer on duty, to go and make an examination, or do you wait for instructions?—I never wait for instructions.

1615. You were aware that the torpedo had struck the ship, were you?—Well, I did not know what struck the ship, because I never saw it.

1616. You knew something had struck the ship?—I knew something had struck the ship.

1617. Did you at once start to see where the damage was, and the extent of it?—I meant to go forward to sound the ship, but I found she was listing that quick that I thought I had better go to my boat station, which I did.

1618. So that in fact you never did take any soundings?—No. Had I gone to take soundings I would not have been here to tell the tale.

1619. That may be. I only want to get the fact. You did not attempt to take any soundings?—No.

1620. What time was there between the striking of the torpedo and the sinking of the ship—about 20 minutes?—I could not say.

1621. Did you attempt to make any examination to see if any of the watertight doors were open?—I examined the doors on the Thursday.

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CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

1622. I am not talking of the Thursday. I only want to get the fact. I am talking about whether you made any examination of watertight doors after the torpedo had struck the ship?—No.

1623. Then may I take it you concluded it was all up, and you skeddaddled off to your boat station?—No, you are mistaken.

The Attorney-General: I do not think you ought to use the word “skeddaddled” in an Inquiry of this nature.

Examined by MR. DONALD MACMASTER.

1626. Can you tell me how many boats altogether were launched from this ship?—I could not say.

1627. What was the total complement of boats?—48.

Mr. Clem Edwards: It was a term which I thought had received a classical interpretation owing to its use by the learned Attorney-General, but I withdraw it and I use instead the words, you made all speed to your boat station?—I did.

1624. From the time you knew that a torpedo had struck the ship till the time you got to your boat station, how long was it?—About three minutes, as near as I can judge.

1625. Did you during those three minutes see the captain, or either of the officers?—No.

(The Witness withdrew.)

CAPTAIN WILLIAM THOMAS TURNER, recalled.

(Further examined by the ATTORNEY-GENERAL.)

1629. I want to ask you with reference to what they call collapsible boats—Is that the right name?—Yes, that is the right name.

1630. We know that they were on the deck fixed by skids?—Yes. The skids were all loose. The upper boats held the skids down.

1631. Then when the upper boats were swung out, the skids remained?—The skids remained, but that would not prevent the boat coming away.

1632. In addition to that were the boats on chocks?—Yes, chocks underneath.

1633. Were those chocks fixed into the deck?—No.

1634. Were they loose?—They were loose.

1635. It is suggested to me that is not so, but if you say so?—I think those chocks were loose, but I would not be sure.

1636. *The Commissioner:* Please answer according to your knowledge. You told that gentleman that they were loose?—Well, I think they were loose to allow the boats to slide across the deck.

1637. You think they were, but you do not know?—I am not sure.

The Commissioner: If they were not loose, how do you suggest they were fastened?

The Attorney-General: By bolts into the deck.

The Commissioner: Then there must be somebody who knows whether they were bolted to the deck.

1638. *The Attorney-General:* I have no doubt, my Lord. (To the Witness.) Did you remove the skids when you came into the danger zone?—No.

1639. Or did you take any steps to render it more easy for these collapsible boats to slide automatically into the water?—No.

1640. Ought not you to have done so?—I do not think so.

1628. How many did you see launched yourself?—None.

The Attorney-General: I should like, while we are on this point of the collapsible boats, to recall the captain.

1641. Of course at the time you were anticipating there might be torpedoes?—We were.

1642. Did you consider the question of whether it would have been an advantage to the crew and passengers if these boats could readily get into the water?—Yes, I considered that question, but it would have been dangerous to loosen them, because they would slide across the deck if the ship listed.

1643. At all events, your evidence is that it would not have been right to do as I suggest?—I do not think so.

1644. As regards the boats that had the gripes, were the gripes loose?—No, they had slip links to them. It would be easy to unfasten them.

1645. I only want to know, were they loose?—I do not think so.

1646. Is there any practice on board of loosening and getting out these collapsible boats during the voyage?—Not generally. We have it occasionally.

1647. Did you have it at all during this voyage?—I do not think so.

1648. Did you provide during this voyage, which was a very special one, or had you any special practice for such a sudden matter arising as torpedoeing?—None whatever further than using all precautions and giving special orders.

Mr. Clem Edwards: My Lord, when Captain Turner was previously in the witness box, I had not had the advantage of looking at the questions which constitute the terms of reference. I should ask permission now to put one or two questions which are well within questions 14 and 15.

The Commissioner: Anyway it really does not matter whether they are within the questions or not—if you think it desirable to put them you must put them.

Mr. Clem Edwards: I am obliged to your Lordship.

Further Examined by MR. CLEM EDWARDS.

1649. After the torpedo had struck the ship, how soon did you make up your mind that she was going down?—About 10 minutes afterwards.

1650. For the first 10 minutes you thought she might float?—I did.

1651. During those 10 minutes did you take any steps to have soundings made in any part of the ship?—I told Captain Anderson to send word along to the carpenter to sound the ship at once.

1652. You heard what the carpenter has said; that he never took soundings and never got instructions to do so?—I think he was quite right in what he did.

1653. You heard what he said to me a moment or two ago?—I heard it and he was quite right.

1654. If it was dependent on the carpenter that soundings should be taken, it is perfectly clear that soundings were not taken?—That I would not like to say.

The Commissioner: Then I do not understand the question and I do not understand the answer. Will you put your question again. You began with “if” I think.

Mr. Clem Edwards: I say if it was based on his previous answer. If the taking of soundings was dependent on the carpenter, it is perfectly clear from the reply which the carpenter gave to me that in fact no soundings were taken.

Witness: That is right.

1655. And did you after giving those instructions to Captain Anderson see Captain Anderson again?—I did not see him again; he was busy with the boats.

1656. Did you give any instructions at all to see that the watertight doors were all closed?—I gave that order in the morning, and it was reported to me that the order had been carried out.

1657. After the torpedo had struck the ship did you give any order at all with regard to the watertight doors?

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FREDERICK O'NEIL.

[Continued.]

—The watertight doors and stonelight doors were closed from the bridge immediately by Second Officer Heppert.

1658. That was after the torpedo had struck?—When the torpedo was coming. He had strict orders to do that from me if he saw anything of the kind coming.

1659. Do all the watertight doors close automatically from the bridge?—No, only in the engine room.

1660. How are the other watertight doors closed?—By hand.

1661. Did you give any instructions that those which are closed by hand should be closed after the torpedo had struck the ship?—No, I did not. Orders were given in the morning to close all hulkhead doors as far as possible.

1662. If watertight doors can be closed by hand, watertight doors can be opened by hand, can they not?—Naturally, if they are not jammed.

1663. And they were ordered to be closed in the morning on the off-chance that something might happen?—That is right.

1664. Do not you think as the responsible officer of that ship, that when that something had happened there ought to have been definite instructions to go and see that all the watertight doors were closed?—Orders had been given before that if anything did happen to see that they were closed.

1665. But you do not know whether the officer carried them out?—I do not know, but I presume they were, from what Mr. Jones says.

Examined by MR. DONALD MACMASTER.

1666. I want to ask you a question with regard to the number of boats on the deck. Since the report on the "Titanic" disaster, was the number of boats on the "Lusitania" greatly increased?—They were increased I understand.

1667. You have no doubt about it?—No.

1668. The added boats were put on the top deck in the main, were they not?—Yes.

1669. Do you think that any inconvenience arose, in connection with the launching of the boats, from the crowding of the boats on that deck?—None whatever.

If we wanted to launch the lower boats we had only to run the tackles and get the first boat out first.

1670. In some cases the collapsible boats were placed underneath one of the ordinary boats?—Yes.

1671. And in that case you would have your top boat off first before launching the second?—Quite correct.

1672. *The Commissioner*: Do you think it has turned out to be an advantage that the number of boats has been increased since the "Titanic" inquiry?—I do not know that it has.

Examined by MR. THOMAS PRIEST.

1673. After you gave the first order for all persons to take to the boats, did you vary that order and say "all women and children out of the boats"?—No, I did not.

I said, "All women and children in the boats first." That is all I said, and I never contradicted my order.

1674. You did not?—I did not.

(The Witness withdrew.)

FREDERICK O'NEIL, Sworn.

Examined by MR. DUNLOP.

1675. Were you an able seaman and lamp trimmer on the "Lusitania"?—Yes.

1676. During the voyage from New York did you take part in boat drill?—Yes.

1677. At the time the "Lusitania" was struck where were you?—In the baggage room.

1678. Did you go on deck?—I was there with the boatswain's mate with 4 or 5 men of the watch, and I jumped into the lift and got upon deck.

1679. When you got up on deck did you notice anything in the water?—Yes, I saw what appeared to me to be a torpedo that had missed the ship going away from the starboard quarter.

1680. What did you see in the water which led you to form that opinion?—Well, the wash. I have seen torpedo work, and it was a torpedo that I saw going away from the ship. It just missed her by a few feet.

1681. And passed under the stern?—Yes.

1682. From what direction?—It must have been fired from the port side.

1683. From port to starboard?—From port to starboard.

1684. Have you been in the Royal Naval Reserve?—I have been in the Royal Navy.

1685. Have you any doubt at all that what you saw was a torpedo?—None whatever.

1686. Where was your boat station?—I was stationed at No. 14 boat.

1687. And that is on the port side?—That is on the port side.

1688. We know that the torpedoes that struck her, struck the "Lusitania" on the starboard side?—Yes.

1689. Is it your suggestion that there was a second submarine?—I never felt but the one shock.

1690. You felt a shock?—Yes.

1691. Was that a shock on the starboard side?—Yes, the ship bodily lifted.

1692. But later on, you say, you saw what appeared to be a torpedo crossing under the stern from port to starboard?—Quite right.

1693. How long after the shock was it that you saw the torpedo which passed under the stern?—The time that it would take me to bring the lift up from the baggage room.

1694. How long would that be?—I suppose it would be about a minute.

1695. Do you know how your ship was heading when you saw the torpedo?—No.

1696. Whether she had headed towards the land or not you do not know?—I could not say.

The Commissioner: I think there is some mistake about this.

The Attorney-General: No, my Lord, the suggestion is that there was a second submarine that fired a torpedo that missed on the other side. He says he saw the torpedo pass under the stern.

The Commissioner: I know he does, but we have heard nothing about it yet.

Mr. Butler Aspinall: The Greek witness did mention something about it, my Lord.

The Commissioner: Yes, but there was a question about the ship having turned round. The impression I gathered was that the ship had turned round and that the torpedo probably came from the same submarine.

Mr. Butler Aspinall: No, my Lord: with respect, I did not gather that. What I gathered was this. *Here* is the "Lusitania," and your Lordship is sitting as it were on the coast of Ireland. She is struck on the starboard side. The Greek gentleman appreciated that and ran along the port side, and whilst running along the port side somewhere out on the port beam he saw what he thought the periscope of a submarine. During the period of time between the shock and the seeing by him of what he thought was the periscope, the ship had been turning, but she was turning in that way, under the starboard helm, so that that would not account for this submarine being found on that side (*describing*).

1697. *Mr. Dunlop*: (*To the Witness*.) Did you see the wake of the torpedo across your stern?—Yes.

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THOMAS MADDEN.

[Continued.]

1698. Have you any doubt at all that what you saw was a torpedo?—None whatever.

The Commissioner: I want to be clear. Was this the second explosion?

The Attorney-General: No, this one did not strike the ship, my Lord.

The Commissioner: There were two explosions from the starboard side?

The Attorney-General: Yes.

The Commissioner: And then another explosion?

The Attorney-General: The witness says this one did not strike the ship, but passed under the stern?

Witness: Yes.

1699. *Mr. Dunlop*: As I understand, the torpedo, you say, missed you by a few feet by passing under your stern?—Yes.

1700. Did you go to your boat station?—Yes, I had a job to get there. I could not get on the port side at all.

1701. On account of the list?—On account of the list and the people being on that side.

1702. Then did you go to a boat on the starboard side?—I went to the opposite number boat to the boat I belong to.

1703. Did you assist with the boats?—I helped clear one away.

1704. Did you succeed in filling a boat and lowering it and getting it safely away?—Yes.

1705. Did you go on one of the boats yourself?—Yes.

1706. And did you get safely away in your boat?—Yes.

1707. When you were in the water with your boat did you pick up other passengers who were in the water?—Yes.

1708. And were you afterwards picked up by a tug?—Yes.

Examined by MR. DONALD MACMASTER.

1709. You say that the torpedo which you saw passed under the stern of the ship?—Yes.

1710. *The Commissioner*: What was your rating in the Royal Navy?—Second class petty officer, seaman gunner and torpedo.

1711. *Mr. Macmaster*: Do you mean it actually passed under the stern of the ship or astern of the ship?—It passed astern of the ship from port to starboard.

1712. You do not pretend to say it actually passed under the keel of the ship?—No.

(*The Witness withdrew.*)

JOSEPH CASEY, Sworn.

Examined by the SOLICITOR-GENERAL.

1713. Were you a fireman on the "Lusitania"?—Yes.

1714. I think you made many voyages in her?—Yes.

1715. Were you formerly in the Naval Reserve?—Yes, for 15 years.

1716. And you have had instruction in the recognition of torpedo attack during that time?—We were given instructions how to recognize a torpedo when it was coming through the water.

1717. Do you remember about 2 o'clock on the 7th of May, the day the "Lusitania" was sunk?—Yes.

1718. Where were you?—On the starboard side, between the after end of the engineers' quarters and the commencement of the second-class cabins.

1719. What happened? There was another shipmate of mine and me looking at a passenger fixing a trunk up, and this shipmate says to me, "Joe, what's that?" I immediately looked to the forward end on the starboard side and I saw two white streaks approaching the ship: one seemed to be travelling quicker than the other. At the beginning I thought

there was only one, but as they approached the ship they opened outwards and the after one seemed to strike the ship either forward or near the centre of No. 2 funnel, and a white flash came and an explosion. There seemed to be two explosions but they were like together.

1720. Have you any doubt from your experience that there were two torpedoes you saw at this time?—No, no doubt at all, because there were two streaks.

1721. I need not ask you questions which have been dealt with by other witnesses, but was this the last torpedo you saw, or not?—No.

1722. Tell the Court what you saw next?—When we were getting ready to go down the rope to go over the side aft, there was the streak of a third torpedo coming from a diagonal direction.

1723. On what side?—On the starboard side.

1724. From starboard to port?—It was fired from the forward end on the starboard side, not the same as the others in a straight line, but in a diagonal line.

1725. Did that strike the ship?—No.

(*The Witness withdrew.*)

THOMAS MADDEN, Sworn.

Examined by MR. BRANSON.

1726. Were you a fireman on board the "Lusitania"?—Yes.

1727. Were you in No. 1 stokehold on the 12 to 4 watch on the day of this disaster?—Yes.

1728. Were you working at the centre boiler on the port side of the ship?—Yes.

1729. As you were working there did you hear an explosion?—Yes.

1730. Where do you think the explosion came from?—I thought it came from the forward end on the starboard side, from the forward side of the starboard boiler.

1731. Did water come into the boiler room?—Yes.

1732. How soon after you had heard the explosion?—About 2 or 3 minutes.

1733. Was it much water?—Well, I ran to the watertight door, that was shut down, and by the time I got back it was coming through the boilers. There would be about a foot and a half then.

1734. Then I think you got to the escape ladder and up the ventilator?—I got knocked down by the force of the water, but I got up and went up the escape ladder and got out on the deck.

1735. And fortunately you were rescued?—Yes.

(*The Witness withdrew.*)

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MISS ALICE LYNES.

[Continued.]

FREDERICK DAVIS, SWORN.

Examined by the SOLICITOR-GENERAL.

1736. Is your name Frederick Davis?—Yes.

1737. Were you a trimmer on this vessel?—Yes.

1737A. On Friday the 7th May were you on the noon to 4 p.m. watch on No. 1 boiler room in the centre on the starboard side?—Yes.

1738. At 10 minutes past 2 did you go into the forward bunker hatch, load up your barrow, and return up the amidships pass?—Yes.

1739. Where were you when you heard the explosion about a quarter past 2?—Just by the end of the pass of No. 1, near the centre stokehold.

1740. That would be on the starboard side, would it not?—Yes.

1741. What happened?—There was a loud bang, and there were objects blowing about, and the lights went out.

1742. Could you form an opinion as to where the explosion took place?—The bang seemed to come from the after end on the starboard side of No. 1.

1743. No. 1 what?—No. 1 stokehold. No. 1 boiler.

1744. Could you tell whereabouts it was as regards the bunker hatches?—They seemed to shake.

(The witness withdrew.)

MR. McDERMOTT, SWORN.

Examined by MR. DUNLOP.

1745. Were you a trimmer on the "Lusitania"?—Yes, but I was promoted fireman.

1746. At the time the "Lusitania" was struck were you in No. 2 stokehold on the starboard side?—Yes.

1747. Can you say where it was the "Lusitania" was struck?—No, I cannot.

1748. Did you form any opinion at the time?—I think she was struck at the after end of No. 2, be-

tween the two boilers. I ran to about three parts of the way between the boilers, when a rush of water met me, and knocked me off my feet and I was struggling in the water for two or three minutes.

1749. Which way was the water coming?—From the after part of the ship.

1750. Coming into No. 2 stokehold?—Yes.

1751. Was it a big rush of water, or not?—Yes.

Examined by MR. CLEM EDWARDS.

1752-3. I do not quite understand where you were?—On the starboard side on the after part.

1754. How far away were you from where you thought the explosion took place?—That I cannot say.

1755. Supposing the explosion took place between Nos. 2 and 3 funnels, how far away would you be?—About 40 yards.

1756. And you were 40 yards forward, were you?—Yes.

1757. Between you and the point of the explosion how many bulkheads would there be?

The Commissioner: But does he know where the explosion was?

1758. Mr. Clem Edwards: Assuming that the explosion took place between Nos. 2 and 3 funnels, he says that where he was would be about 40 yards forward. (To the witness.) Now, let us for a moment assume that the explosion did take place about 40 yards aft from where you were; what I want to get from you is this, how many bulkheads would there be between you and the point of the explosion?—One.

1759. How far would that bulkhead be from where you were?—About 30 feet.

1760. There was a watertight door in that bulkhead, was there not?—Yes.

1761. Was that watertight door open or closed?—That I cannot say, as I had not time to get to the bulkhead because of the rush of the water.

1762. Now, you say the water came along?—Yes.

1763. And that water came from aft, did it?—Yes.

1764. Did it appear to come from the direction where the watertight door was?—No, from the side of the ship.

1765. As far as you know, was there any damage done by the explosion forward of where you were?—No.

1766. No damage at all?—I only heard the one explosion.

1767. So far as you are aware did that explosion cause any damage further forward than you were?—That I cannot say.

1768. Did it knock you about at all?—No; it just shook me; that was all.

1769. How did you get further abaft?—I ran between the two boilers, between the centre and the starboard boilers.

1770. Then how did you get up?—The force of the water washed me out through the bottom of the ventilating shaft.

1771. How far forward from where you were when the explosion took place was the bulkhead forward? You said the one that was aft was about 30 feet away. How far was the one that was forward?—It was the aft part of No. 2 section—the bulkhead you are speaking of.

1772. I am talking now of the bulkhead that was forward of where you were. How far away would that bulkhead be from you?—About the same distance.

1773. That is about 30 feet. Did you get near the bulkhead?—No, I did not get forward at all.

1774. And you cannot say whether the watertight door in that bulkhead was closed or not?—No.

(The witness withdrew.)

MISS ALICE LYNES, SWORN.

Examined by the SOLICITOR-GENERAL.

1775. Is your name Alice Lynes?—Yes.

1776. And I think you were a nurse on board to the children of Major Warner Farrell?—Yes.

1777. Were you on the "E" deck of the "Lusitania" when the vessel was struck?—I was.

1778. What did you do with your two children?—I rushed for the baby and boy, and took them up on deck as quick as possible.

1779. Which deck?—"A" deck.

1780. Which side of the deck did you go to?—The port side.

1781. What happened to you then?—I had difficulty in standing. I was knocked towards the ship and had a hill to climb to get into the lifeboat.

1782. But you did it with the children, did you?—Yes, I had the baby in my arms and a little boy of five hanging to my skirt.

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MR. JAMES BAKER.

[Continued.]

1783. And you got them into the boat still on the port side?—Yes.

1784. Did anyone help you?—The passengers on board. Two gentlemen helped me up the stairs. One left me to get a lifebelt for me, but I saw him no more, and another passenger helped me into the boat.

1785. Were there any sailors there?—I saw none.

1786. What happened next?—We went down to the boat quite easily until we got to the bottom and

the water splashed up. It was rather difficult to get away.

1787. But you got away safely on the port side?—Yes.

1788. And you and both the children were all right?—Quite all right, except a few bruises.

1789. Do you remember the number of the boat?—I do not remember any.

The Solicitor-General: This is the only boat, so far as I know, my Lord, which got off from the port side.

(*The Witness withdrew.*)

MR. JAMES BAKER, SWORN.

Examined by the ATTORNEY-GENERAL.

The Attorney-General: This is one more passenger who desires to make a statement and I had then hoped that Mr. Thomas, a Member of Parliament, would be here, and then, my Lord, I should close the case for the Board of Trade. Of course if any specific passenger desires to be heard—

The Commissioner: Of course, if any one desires to say anything they can do so.

1790. *The Attorney-General*: (*To the Witness.*) You were a passenger on board the "Lusitania"?—I was.

1791. I think you started from Liverpool to New York, and you came back again on the return voyage on the 1st May?—Yes.

1792. Do you desire to make any statement about the crew?—I have made a statement.

1793. I only want to give you the opportunity if you have anything to say about the crew?—I see. I want to repeat that to me there appeared to be not a question of discipline but no competent men about.

1794. Does that apply to the whole time?—No, only applying to the lowering of the boats and the advice to the passengers as regards lifebelts.

1795. Let me take you a little into detail about that. When the ship was torpedoed did you notice an effort to lower one of the boats opposite to the main entrance?—I was in my cabin, and when I got up they were lowering—I could not tell you the number—the boats opposite the reading room on the port side. I remained on the port side the whole time. I think—I am sure it was opposite the reading room, and I saw that boat run away because the man at the bows could not hold the falls. At the stern the rope fouled and left the boat bows in the water, and at an angle of about 45 degrees.

1796. Was there an officer in her?—There was a young officer in the water when I looked over. I did not see the start of lowering the boat, but when I looked over to see what had happened, there was a young officer trying to climb into the bows. The stern post had been wrenched away from the sides, so that when the boat did get into the water she could not possibly keep afloat.

1797. At that time we know there was a very heavy list on?—I know there was a bit of a list. When I got on to the deck there was a greater list than later on. The ship appeared to me to gradually right herself, because when I got to the second boat we were able to shove the boat out and had got her clear when we got orders to clear the boats, all women to come out.

1798. That was the boat opposite the reading room, was it?—No, that boat had gone. I came next to the

boat opposite the main entrance and we had filled that boat.

1799. Was that on the starboard or the port side?—On the port side. We had filled her with women and children and we were trying to shove her out, the list having brought the boat in. We stood on the collapsible boat and tried to shove her out, and while we were attempting to do it the list was so great that the number of men there at the time could not do it. We called for more men; we had not much purchase as we were standing on top of the collapsible boat, but finally we got steady and with one shove got her clear and lowered her a foot or so, when the order came "Stop lowering the boat. Clear the boat," and we got everyone out.

1800. Where did that order come from?—I believe from the staff captain from the bridge.

1801. That was Captain Anderson?—Yes.

1802. Did you know it was he who gave that order?—I will swear that it was he.

1803. Then did you help a number of ladies out of the boat?—I helped some ladies out of the boat.

1804. This was all on the port side?—This was all on the port side. Then I told them to go for their lifebelts.

1805. Did you see any other boats lowered or attempted to be lowered?—Yes, I came then to very nearly the smoke room and they were at work launching a boat there; but as there seemed to be plenty of men, I started on the collapsible boat and did not attempt to help with the third boat.

1806. What happened to that?—I heard it run away and collapse and smash up like a matchbox. May I say with regard to the second boat, while that was being lowered I came to the conclusion that there were not enough men in the boat to help shove her off the side as she ran down. I made it five men, but I will not swear to it.

1807. I think you loosed the grips of one of the collapsible boats?—When I saw the boats going down and they could not hold them, I realised that it was a question of moments. I looked round to see what was being done with the collapsible boats, and I could not see one being got ready nor the canvas tops taken off, so with a penknife I cut one clear and was working on a second when I saw the water coming.

1808. And the general purport of your evidence is that there was a want of general control and an absence of authority?—An absence of authority and of competent men at the falls.

Examined by MR. THOMAS PRIEST.

1809. Do you say you heard an order for the women and children to come out of the boats?—Yes.

1810. Did you hear the first order given by the captain?—No, I was not on deck at the time.

1811. Are you sure it was Captain Anderson who gave the order to clear the boats?—Yes.

1812. Did you hear any other order by Captain Anderson afterwards to take to the boats again?—No.

1813. Is it your opinion after what you have stated that if the people had remained in the boats they could

have got clear?—My view was that I could not understand why we were stopped lowering the boats, at any rate lowering them empty down to the "C" deck, where they could have been filled easily.

1814. And you consider time was lost by negligence or incompetence?—I would not like to say negligence or incompetence. I think it was probably an optimistic view that the ship was going to float.

1815. Well, we will call it a mistake. Did you see any boats overturned when they were getting them out?—No.

Examined by MR. CLEM EDWARDS.

1816. At what time did you hear the instructions given that the people were to get out of the boats or that they were to stop lowering?—I should say it would be between ten and twelve minutes after the torpedo struck us.

1817. Whom did you hear give that instruction?—Captain Anderson.

1818. Did Captain Anderson express any opinion as to the ship floating?—Yes. He said: "She is not going to sink; there is no danger."

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MR. JAMES BAKER.

[Continued.]

1819. Did you hear Captain Turner express that view?—No.

1820. Where was Captain Anderson when he expressed that view?—On the bridge on the port side.

1821. You do not know whether he had taken any soundings. You heard what Captain Turner said, that he gave instructions to Captain Anderson to take soundings?—I know nothing about that.

Examined by MR. BUTLER ASPINALL.

1822. You were a passenger you told us. What are you?—I am a director of a company trading in America, London and the near East.

1823. As you told us, during the time you have given your evidence about, you were on the port side?—Yes.

1824. The whole time?—Yes.

1825. *The Commissioner*: What is the business of your company?—Oriental carpets.

1826. Anything to do with shipping?—Nothing to do with shipping.

1827. *Mr. Butler Aspinall*: Were some of the passengers like yourself helping to get the boats out?—Yes.

1828. You and others were doing your best?—Yes. Unless there had been passengers we could not have put those boats out.

1829. You and some of the passengers were doing your best to get these boats out on the port side?—Yes.

1830. And you found the difficulties were such that you could not do it?—I personally felt that I could not go and help at the falls because I was not an authority and

there was no one there asking me to go and help. I should have liked to help, but in shoving out the boat we were all called on to help.

1831. I am not complaining of what you did. Apparently what was happening with the boats on the port side was that you and certain other passengers were doing your best to get those boats out?—I think so.

1832. And you found you could not succeed?—It was not our efforts that were not successful. I have a friend here, who has not been called, who was successful in helping to lower a boat and held the falls himself.

1833. On the port side?—On the port side, and the boat got down.

1834. At any rate whatever that other gentleman did, whilst you and others who were assisting, you were trying without success. Captain Anderson gave the order to stop lowering those boats. He saw what was happening I suppose when he gave the order?—My idea was that he felt the ship was not going to sink. He said so.

1835. That is your idea?—He said so.

(The Witness withdrew.)

The Attorney General: Perhaps your Lordship will allow me to defer the examination of Mr. Thomas as he has not been able to get here. It will be very brief. Now, my Lord, I propose to read the questions.

The Commissioner: You have a copy of these questions, Mr. Edwards?

Mr. Clem. Edwards: Yes, my Lord.

The Attorney General:—

(1.) When the "Lusitania" left New York on the 1st May, 1915—(a) What was the total number of passengers on board, and how many of them were women or children? (b) Were there any troops on board? (c) What was the total number of her crew and their respective ratings? (d) What cargo had she on board, and where was it stowed?

(2.) Did the "Lusitania" before leaving New York comply with the requirements of the Merchant Shipping Acts, 1894 to 1906, and the Rules and Regulations made thereunder?

(3.) Were any instructions received by the master of the "Lusitania" from the owners or the Admiralty before or during the voyage from New York as to the navigation or management of the vessel on the voyage in question? Did the master carry out such instructions?

(4.) Were any messages sent or received by the "Lusitania" with reference to enemy submarines during the voyage?

(5.) What was the state of the weather and sea on the 7th May, 1915? Was the position, course, or speed of the "Lusitania" on that day in any way affected by the weather?

(6.) Were any submarines sighted from the "Lusitania" on or before the 7th May, 1915? If so, when and where was any submarine sighted, and what was the position, course and speed of the "Lusitania" at such time?

(7.) Was the "Lusitania" attacked by a submarine on the 7th May, 1915? If so, can the submarine be identified? Did the submarine display any, and if so, what flag? Was it a German submarine?

(8.) When and how in what circumstances was the attack made by the submarine on the "Lusitania"?

(9.) Before and at the time the "Lusitania" was attacked—(a) What was her position, course and speed? (b) Was such position, course and speed proper in the circumstances? (c) Was the master in charge of her? (d) Had a proper lookout been set and was it being kept? (e) What flag was the "Lusitania" flying?

(10.) Before the submarine made the attack—(a) was any, and if so, what warning given to the "Lusitania" by the submarine of her presence or intention to attack, or was any, and if so, what signal

given for communication made by the submarine to the "Lusitania"? (b) Was any, and if so, what request made by the submarine to the "Lusitania" to stop? (c) Was any, and if so, what opportunity given to any persons on board the "Lusitania" to leave her?

(11.) Was any, and if so, what action taken by those on board the "Lusitania" before she was attacked—(1) To escape from the submarine? (2) To resist visit or search? (3) To avoid capture? (4) Or otherwise in reference to the submarine?

(12.) Was the "Lusitania" armed? If so, how was she armed?

(13.) Was the "Lusitania" struck by one or more torpedoes? Where was she struck? What interval was there between the time the "Lusitania" sighted the submarine and the time she was struck?

(14.) What was the effect on the "Lusitania" of being struck by the torpedo or torpedoes? Did any cargo or other thing on board the "Lusitania" explode or ignite or increase the damage caused by any torpedo? Did the "Lusitania" take any and what list? If so, what caused the list? How long after the "Lusitania" was struck did she sink and what caused her to sink?

(15.) What means were taken on board the "Lusitania" after she was struck to save her or the lives of those on board of her? Were such measures reasonable and proper or otherwise? Was proper discipline maintained on board the "Lusitania" after she was struck?

(16.) How many persons on board the "Lusitania" were saved and by what means, and how many were lost? What was the number of passengers, distinguishing between men and women and adults and children, who were saved? What was the number of the crew, discriminating their ratings and sexes, who were saved?

(17.) Was any loss of life due to any neglect by the master of the "Lusitania" to take proper precautions or give proper orders with regard to swinging out of the boats, or getting them ready for use, clearing away the portable skids from the pontoon decked lifeboats, releasing the gripes of such boats, closing of watertight bulkheads or portholes, or otherwise, before or after the "Lusitania" was attacked.

(18.) Were any other vessels in sight at the time the "Lusitania" was attacked or before she sank? If so, what vessels were they and what were their relative positions to the "Lusitania"? Did they render any, and if so, what assistance to the "Lusitania" or any of her passengers or crew?

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MR. FRANCIS BERTRAM JENKINS.

[Continued.]

(19.) What was the cause of the loss of the "Lusitania"? What caused the loss of life?

(20.) Was the loss of the "Lusitania" and/or the loss of life caused by the wrongful act or default of the master of the "Lusitania" or does any blame attach to him for such loss.

(21.) Does any blame attach to the Owners of the S.S. "Lusitania."

The Commissioner: Is there any question here which is not covered by the evidence?

The Attorney-General: I do not think so.

The Commissioner: I do not think there is. I suppose the Manifest tells us where the cargo was stowed?

The Attorney-General: That I am not sure of.

The Commissioner: A great many of these questions I think follow old forms, and I do not think it is in the least material?

The Attorney-General: I do not think it is, because there has been no allegation or suggestion that anything happened by reason of any part of the cargo being in any particular place?

The Commissioner: Has the question been asked—you dealt with it in your opening—as to whether there were any troops on board?

The Attorney-General: I asked the captain that.

The Commissioner: You did?

The Attorney-General: Yes.

The Commissioner: Then that is enough. Do we know what flag the "Lusitania" was flying?

The Attorney-General: He said they were not flying any flag, and of course the submarine was not seen. The only evidence was that someone thought they saw a periscope.

The Commissioner: Someone said he saw a periscope, and another one said he saw part of a conning tower.

The Attorney-General: Yes.

Mr. Rose-Innes: With reference to Questions 3, 4 and 5, I have nothing to say, because, as your Lordship is aware, one does not know what evidence may be taken on that point requiring the Court to deal with it. With regard to the other Questions, I have some witnesses whose evidence I desire to be taken.

The Commissioner: By all means you had better call them at once.

Mr. Rose-Innes: I will first call Mr. Jenkins.

The Commissioner: Has this gentleman given his proof to the Solicitor to the Board of Trade. (*To Mr. Jenkins.*) Have you given your statement to the Board of Trade?

Mr. Jenkins: No, only to my solicitor. I do not know whether my solicitor has done so or not.

The Commissioner: Because it is rather inconvenient. The more regular course is for witnesses to give their statements to the Board of Trade. However, it does not matter.

The Attorney-General: Of course, I do not pretend to have examined all the passengers who gave statements. We have called a good many of them, as many of them as seemed to deal with specific points.

The Commissioner: But you have not had a statement from this gentleman?

The Attorney-General: Not that I know of.

Mr. Rose-Innes: I place myself entirely in your Lordship's hands, and the Attorney-General may examine the witness if your Lordship desires.

The Commissioner: Not at all. He is a gentleman you bring here and you had better examine him.

Mr. Rose-Innes: I think it is the other way. He brings me here; but it does not matter. It is a short proof and it seems to me to be relevant on some of the points.

MR. FRANCIS BERTRAM JENKINS, SWORN.

Examined by MR. ROSE-INNES.

1836. Were you a first class passenger on board the steamship "Lusitania"?—Yes.

1837. Did you go out by her, or were you only on her during the return voyage?—Only during the return voyage.

1838. At the time she was struck on the afternoon of the 7th May, were you at luncheon in the first class saloon?—I was.

1839. And with you was there a Mrs. Crichton?—Yes.

1840. Who was unfortunately one of the drowned?—Yes.

1841. After the vessel was struck did you take her upstairs to one of the boats?—I did, and I assisted in taking another young lady up who was saved.

1842. On which side of the ship was the boat that you took them to?—We came out on the port side.

1843. Did you help her into a boat in which there were some other persons?—I did.

1844. Having got her into the boat what happened?—She was partly in the boat, I was standing with one foot on the deck of the "Lusitania" and one foot on the lifeboat, when one of the ropes broke, or the sailors loosed their hold, and the thing collapsed and went into the water. I seemed to go down a long way, and when I came up I was under the boat. It was bottom upwards. Then I saw an open port hole about two feet above me, and I clutched it but could not hold on. Then I saw a rope hanging down, which I got hold of and some twenty others took hold of it. We seemed to be sinking and some could not swim. I let go and then I saw a champagne case which I saw to but let go, and then swam for an oar. Then I saw a long piece of wood some distance ahead of me, which I swam for and in an exhausted condition reached it.

1845. And ultimately I believe you were picked up?—Yes, I think I was picked up about 4 o'clock. I must have been unconscious some two hours. I was picked up by one of the lifeboats, in which were some 80 other passengers.

1846. With reference to the boat in which you placed Mrs. Crichton, was that a large boat or an ordinary sized boat?—It was one of the large lifeboats.

1847. With what capacity?—With some 50 or 60 I should think. As a matter of fact when I was handing

her in there were seven women in it and two men getting the oars loose, and two sailors attempting to lower it.

1848. How many sailors did you observe lowering the boat?—One at each rope.

1849. No more?—No more.

1850. With reference to lifebelts, did you search about the deck for lifebelts?—Not on that particular day, but I had previously observed that no lifebelts were on the deck at all. I had spoken about it to several friends on board.

1851. Where were the lifebelts kept, as far as you saw?—In the cabins. There was one in my cabin, on the top of the wardrobe. It particularly struck my attention that no lifebelts were on the deck, under such critical conditions.

1852. *The Commissioner:* What do you think had become of them since the vessel left Liverpool?—I am not aware. I saw none on the deck. I saw lifebuoys.

1853. But do you mean to swear they were not there?—I cannot swear unless they were covered up. I saw none.

1854. *Mr. Rose-Innes:* Up to the time of the ship being struck by the torpedo you had been struck by their absence?—I had been.

1855. And mentioned it?—It struck me—

The Commissioner: What he says is that he did not see them. That I can quite believe; but that they were not there I do not believe. The Surveyor says they were there. They did not fly away.

Mr. Rose-Innes: Your Lordship has had evidence that they were on board before starting.

The Commissioner: What do you suggest became of them?

Mr. Rose-Innes: I can make no suggestion whatever, except to call the evidence and ask your Lordship to draw your own inference.

The Commissioner: Do you mean they were stolen. They could not have been eaten. What became of them? They were there when the ship left Liverpool and the carpenter says they were not taken off when the ship was at New York.

1856. *Mr. Rose-Innes:* I can offer no theory, my Lord. But there is the fact that this witness did not observe them. (*To the Witness:*) Had you remarked on their absence to other people?—I had.

1857. *The Commissioner:* Did you speak to anybody in authority about them?—I did not do so.

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MR. ROBERT W. CAIRNS.

[Continued.]

1858. When you say you remarked it, you mean to say you talked to some other passengers?—I did.

1859. *Mr. Rose-Innes*: Had you, as far as you were concerned, seen any of the boat drill?—I had not. As a matter of fact, I think the lifeboat drill took place before I was up in the morning. I did not get up very early.

1860. Was there any lifebelt drill amongst the passengers?—None at all.

1861. Had you seen any instructions anywhere as to what should be done in case of emergency?—I had not.

1862. *The Commissioner*: Did you look to see whether there were any?—I looked in my cabin, because I was under the impression that in one boat I travelled in instructions were placed there as to where I should go in case of emergency; so I particularly looked in my cabin for them, and there were not any.

1863. Did you ask for any instructions?—Ask who, my Lord?

1864. Anybody.—No, I did not.

1865. *Mr. Rose-Innes*: But in fact there were none in your cabin?—There were no instructions in my cabin.

Examined by MR. BUTLER ASPINALL.

1872. Do you know whether the plugs are kept in these holes or not?—I do not know.

Examined by MR. SCOTT.

1873. Did you know Mr. Alfred Vanderbilt?—Very well by sight.

1874. Did you see him at all after the vessel was struck?—No, I was under the impression he was in the ladies' saloon, but I do not remember seeing him there.

(*The Witness withdrew.*)

MR. ROBERT W. CAIRNS, SWORN.

Examined by MR. ROSE-INNES.

1875. Were you also a first-class passenger on the "Lusitania"?—I was.

1876. You recollect the day she was struck by the torpedo?—Yes.

1877. Did you get into one of the lifeboats on the port side of the vessel?—I did.

1878. About how many other persons were there in that lifeboat?—I should imagine between forty and fifty.

1879. Was that boat successfully launched?—It was in a way, but when I got up on deck, as a matter of fact, there were very few of the crew about, there seemed to be only one at the bow and one at the stern of the boat, and they could not get the boat off. The boat was swung right on to the deck, and, of course, I went five or six paces back, and I told all the others on each side to push the boat right over, and we eventually got it over. I got all the women and children into the boat, and then a few gentlemen followed, and when we were lowered we got into the water but it tilted just a little up just before we got in, and two of the passengers fell out, but after the boat really reached the water she commenced to leak immediately.

1880. Were there any sailors in charge of the boat—any of the crew?—No sailors at all, none whatever.

1881. You tell us that as soon as she was launched, she began to leak. Did you yourself see the water coming in?—I did.

Examined by MR. BUTLER ASPINALL.

1888. Did you see Mr. Jenkins at work whilst you were seeking to get into the boat, the last witness?—No.

1889. Apparently, what happened with regard to your boat was, that you and certain of the passengers were successful in getting her into the water?—Yes.

1890. No doubt it was a very difficult task?—As a matter of fact had it not been for the passengers that boat would never have been in the water at all; it was entirely owing to the passengers. I am pretty strong and I got right into the centre, and I went back five or six paces, and I said to the others, "The moment I rush the boat to the centre, push like wild" and we were just able to get the

1866. Now did you notice anything with regard to the condition of some one or more of the lifeboats?—I did.

1867. I understand you to say you did observe something with regard to the condition of one or more of the lifeboats?—I noticed there was a hole in the bottom of the boat where apparently a bung should have been placed, but was not there.

1868. Was this before the boats were swung out?—Yes.

1869. Did you see anything wrong with any of the lifeboats after they were launched as far as you could observe?—No, I did not.

1870. *The Attorney-General*: The day before the ship was torpedoed when you say that there was a hole in one of the lifeboats did you draw the attention of the captain or of anyone else to that?—Not the day before the ship was torpedoed, it was the day previously to the boats being swung out.

1871. Did you draw the attention of the captain or anyone else to that?—No, it was not my duty and I did not do so. The boats had not been swung out by that time.

1882. And what did you and some of the other passengers do or attempt to do?—I had no hat on as a matter of fact, but the other gentlemen in the boat took their hats and baled the water out.

1883. How long did they continue to do that?—For about four or five minutes.

1884. And then what happened?—When I saw the boat was level with the sea, and everyone, of course, was expecting the boat to go down every minute; I am a very good swimmer, and I jumped out immediately, and I was followed by another passenger. I had been swimming for about a minute and a half, and I had turned round to look at the boat, and the boat had gone down, capsized, with the keel upwards. All had gone down with it with the exception of two or three who were hanging on to the keel.

1885. When you let down the lifeboat, how far up was the water with reference to the gunwale of the boat?—It was taking us right up to the knees, the sea was level with the water in the boat. We were all sitting right up to the knees in the boat, expecting the boat to go down every minute.

1886. Before you got into the lifeboat, had you made a search about the decks for lifebelts?—I had.

1887. Did you find any?—Not a single one.

boat over, and then I got all the women and children into the boat. I said "women and children must go into the boat first and men afterwards."

1891. And you carried out your object?—Yes, all the women and children got in first.

1892. And I daresay it is highly probable that owing to what I may call this fight which had to be fought in order to get the boat outboard, as the boat went down there must have been a good deal of damage done to her?—No, I do not see how she could possibly have got any damage at all because she was leaking from the bottom. Immediately she touched the water she commenced to leak,

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MISS EVELINE WILD.

[Continued.]

and it was impossible. There were five or six gentlemen trying to bale her out with their hats.

1893. *The Commissioner*: What is your profession?—An American director of an American brewery.

1894. Of what?—An Anglo-American brewery director. I am a director of six companies.

1895. When the boat got over the side, the boat that you were engaged in launching, did she touch the side of the "Lusitania" while she was being launched?—It appeared to me that the boat kept fairly clear of the side of the "Lusitania." I could not swear whether she actually touched the side or not.

1896. It is difficult to understand how she could have been lowered into the water on the port side without touching the side of the ship?—I am not certain, but I could not answer that question.

1897. *Mr. Butler Aspinall*: That is what I had in my mind. I mean to say what was happening was this. Assume this to be the ship, the ship had got a list to starboard, had she not?—Yes, a little at that time.

1898. And you and the gentlemen who were dealing with that boat found that the boat had swung inboard by reason of the list?—Yes.

1899. That is so?—Yes, that was the difficulty we had in getting her out.

1900. Then you, exercising all the strength you could, succeeded with force in pushing her over and outboard?—That is so.

1901. Then having got her as far as that, I think I am right in saying, am I not, that from the position where she then was to the water, was what—somewhere about fifty to sixty feet, I am told, down, and while she is going down, unless you keep her free of the side of the ship, she would be seeking to get back to a vertical position, would she not, and touching and bumping against the side of the ship as she gets lower and lower and at last reaches the water?—I do not remember her bumping against the ship: she got fairly well to the water, but the trouble

was when she got into the water. She commenced to leak immediately, and there were five or six gentlemen with their hats doing their very utmost to bale her out, and just in a few moments she was right full of water level to the sea.

1902. I am not complaining for a moment, I only want to get, if I can, what probably did happen to this boat. I have no doubt that at the moment your hands were full doing what you were doing—you were taking an active part in saving these women and children as you have told us, very properly, but as to what was happening to the boat as between the boat and the side of the ship, it is really impossible for you to speak with any certainty is it not?—Yes, it is in a way, but I can only say this, that there was no kind of knocking about the boat while it was being lowered into the water. I should have remembered that; there was nothing of that sort.

1903. Of course, if it was bumping against the side of the ship in view of the fact that before it gets to the water, it is not water-borne, and she had how many people in her?—I should say just over 40 people in her.

1904. A fairly heavy load?—A fairly heavy load: I have been informed that these boats hold about 60 people altogether, so that in a way of course it was not a heavy load.

1905. In view of the load it was carrying if it was bumping against the side of the ship it is highly probable that it might sustain damage, is it not?—I am quite sure that it did not bump against the ship: I will not admit that she did bump against the ship. The trouble of that boat was that when she reached the water she leaked immediately until she filled full of water.

1906. *The Commissioner*: Mr. Aspinall wants to know what happened to her before she reached the water?—There was no undue bumping, that was perfectly impossible. I would have remembered that—no undue bumping whatever; in fact, she went down very smoothly indeed.

Re-examined by Mr. ROSE-INNES.

1907. Were you in the boat while she was being lowered?—I was.

1908. Was there as far as you know any bumping against the side of the ship sufficient to account for the straining of the timbers?—No, there was not.

1909. Nothing of the sort?—No, nothing that I can remember: I would have remembered that.

(The Witness withdrew.)

MISS EVELINE WILD, Sworn.

Examined by Mr. ROSE-INNES.

1912. I believe your name is Eveline Wild?—Yes.

1913. Were you a second class passenger on board the "Lusitania"?—Yes.

1914. At the time she was struck by the torpedo were you having lunch with your sister in the dining saloon?—Yes, I was.

1915. There was a rush, was there not, by a number of people to get up the main staircase to the deck?—Yes, I should think about 200 people went up.

1916. And did you reach the deck by going up the back stairs, which led to the deck?—Yes, we hesitated in our seats about three minutes, and by that time the crowd had got on to the stairs, and my sister said: "Eveline, keep quiet; we will go the back way."

1917. And then you went up the staircase and reached the deck?—Yes. We reached the "C" deck then, and then we joined the main staircase again; and a few of the people had struggled from the main staircase and joined us on these stairs, but not very many.

1918. When you reached the open deck were you on the port or the starboard side?—We went to the side nearest the water.

1919. That we know was the starboard side?—Yes.

1920. Did you there find a lifeboat which was covered?—Yes, we did.

1921. How was it covered?—It was covered just like they always are, in a perfectly ordinary way; it was covered right over with canvas.

1910. She reached the water in safety?—Yes, she reached the water in safety.

1911. And then began to fill?—Yes, she then began to fill immediately and in a few minutes was level with the sea, and all the passengers on board.

1922. Was that boat on the starboard side swung out over the water or was it not?—No, it was on the deck.

1923. Did you see any member of the crew attempting to handle that boat?—There was no one on our side of the boat at the time I and my sister were there.

1924. What did you and your sister then do?—My sister said: "It is no use standing here: we shall not get any help here," so we immediately rushed along the second class deck through the gate and on to the first class deck, still keeping on the side that was nearest the water, and there I clung on to the rail, and my sister rolled the full length of the deck, and I was still wondering how to pick her up, and a member of the crew picked her up, and said: "Oh, I will help you," and he helped her into the boat.

1925. And did you and she both get into the same boat?—Yes.

1926. Now I think you were both there with some of the stewards of the ship, were you not?—Yes, stewards, and we had a few sailors.

1927. When you got into the boat, did they seem to understand the handling of it?—Yes, very well.

1928. Just tell us what they did?—They kept waiting for other people, to see if they could get anyone else off the ship, and then when it was time to be lowered, there seemed to be a difficulty in lowering the boat: there did not seem anyone to do it to begin with, and after a while two men on deck, I think they were firemen, steadied the

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MRS. ELIZABETH LASSETER.

[Continued.]

ropes, and one of the ropes worked and the other did not work, and eventually it was cut by one of the passengers, a first class passenger.

1929. That boat reached the water and it was quite a sound boat, was it not?—Yes, it was.

1930. Now just one more question—Had you looked about to see if you could find any lifebelts?—We had no

lifebelts until we were in the lifeboat, and then one of the passengers handed me one. But my sister had none.

1931. Were you the only one that had a lifebelt?—Yes.

1932. Had you seen any about on the deck?—No, I had not.

Mr. Butler Aspinall: No question.

(*The Witness withdrew.*)

The Commissioner: Now are there any other witnesses, or does anyone desire to call any more witnesses. Do you, Mr. Edwards?

Mr. Clem Edwards: I do not desire to call any witnesses, my Lord.

The Commissioner: Is there anyone else who desires to call any witnesses?

Mr. Priest: I understand that Mr. H. B. Lasseter, whom I represent, has made a statement, to the Solicitor to the Board of Trade.

The Commissioner: Do you want to call him?

Mr. Priest: Yes, I should like to call him, my Lord.

The Commissioner: Then you had better call him.

The Attorney-General: I do not think we have a statement from him—Yes, we have a statement from Mr. Frederick Lasseter.

The Commissioner: Is the gentleman here; because, if so, you had better call him.

Mr. Priest: I understand Mrs. Lasseter's son has made a statement and Mrs. Lasseter herself wishes to give evidence.

The Commissioner: If you want to call her, by all means call her.

MRS. ELIZABETH LASSETER, Sworn.

Examined by MR. THOMAS PRIEST.

1933. You were a first-class passenger on board the "Lusitania"?—I was.

1934. With your son, Lieutenant Lasseter?—Yes, with my son.

1935. You heard the first order given by the Captain as he stated, "Women and children in the boats first"?—I did.

1936. Did you get into the boat in consequence of that first order?—My son and another gentleman helped me into the boat.

1937. Who was the other gentleman?—Mr. Harold Bolton.

1938. Were there any other ladies with you in the boat?—I cannot remember if there were very many other ladies—there were some.

1939. Was the boat filled in consequence of that order?—It was not very full; it was fairly full. I do not know how many people. I should say there were about 30 of us.

1940. Did you hear any order given after you were in the boat?—Quite distinctly I heard the order. We were in the first boat on the port side next to the captain's bridge; I do not know what the number of the boat was.

1941. What order did you hear given?—I heard him first give the order (he was on the bridge at the time): "All women and children into boats," and it was because of that order that we got into the boat, and directly I got into the boat I heard the order: "All women and children out of boats."

1942. What happened then?—My son got me out of the boat.

1943. And all the others as well?—All the others got out of the boat.

1944. What happened to you then?—I then asked my son what he thought was the best thing to do, and I also spoke to Captain Stackhouse who was standing by us, and

he did not answer. My son saw she was sinking very quickly and I think we were the last to leave the ship, and he and Mr. Bolton and I clasping hands, jumped into the water.

1945. Are you quite sure it was the Captain who gave the order to get out of the boats?—I am quite sure it was the Captain standing on the bridge who gave that order. I was the first next to the bridge when I heard it. We three were standing there together, and when we jumped, we were the only three left there.

1946. Do you know Captain Anderson by sight?—I do not know him by sight.

1947. Did you hear any further order given by anybody?—No. I heard no third order, and I asked my son after we had got into the boat, and when we had got out of the boat, "what shall we do?" because we were then not given any order.

1948. Is it your opinion that had you been lowered into the boat into which you got first, by the Captain's order, that lifeboat and those on board of it would have been saved?—That I cannot say, but I should think so: I do not know if there were any other boats that were lowered on that side.

1949. Do you know, as a matter of fact, that any of the people who were in the boat which you got into in consequence of the first order were drowned?—That I cannot say, because directly we got out of the boat—

The Commissioner: You seem to be asking questions about which you know nothing.

Mr. Priest: I beg your Lordship's pardon, I did not ask her any such questions.

The Commissioner: You are asking them now, the lady does not know. You must not call witnesses here to tell me what they do not know, if so I shall be here for ever. I want them to tell me what they do know.

Examined by MR. ROSE-INNES.

1950. Did you happen to see the boat that was launched on the port side which sank almost directly it got into the water?—I happened to see something happen to a boat,

but everything was in such confusion I cannot speak to anything I saw beyond that which I did see.

Examined by MR. BUTLER ASPINALL.

1951. I have got here what is called a proof amongst lawyers, a statement made by Mr. Frederick Lasseter. Is he your son?—Yes.

1952. *The Commissioner*: What happened to him?—He was with me all the time, and we jumped together with Mr. Harold Bolton.

1953. *Mr. Butler Aspinall*: Is he here?—He is in York with his regiment, but he is willing to come.

1954. We have a statement from him here?—Yes, and he is willing to come if necessary.

1955. You were with him during those trying times?—I was not with him when we were struck, but I joined him about seven minutes afterwards where we had arranged to meet in case we were torpedoed, and we met there.

1956. Was the order which came from the bridge this: "Lower no boats"?—The first order I heard was "All women and children into boats," and the second order I heard which was about five minutes afterwards and after I had got into the boat was "All women and children out

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[Continued.]

of boats," get out of the boats, and I heard that three or four times.

1957. Did you hear the order "Lower no boats"?—I did not hear that order.

1958. Was your son standing by you at the time?—We were all three standing on the deck more or less together.

1959. *The Commissioner*: Have you read your son's proof?—No, I have not. I was very ill after the wreck and I have not seen or spoken to my son at all about it. I have been too ill to do so.

1960. *Mr. Butler Aspinall*: There is no suggestion that you are not doing your very best to give us your recollection of what happened, but may I read to you what your son has told us?—I should like you to read it.

1961. I will not read the early part because it is immaterial, but he goes on thus: "The order was given from the bridge to lower the boats to the level of the boat deck. This was done with some difficulty with the boat opposite us as it had jammed owing to the list. The boat's crew, however, managed their work though no officer was present to take charge. I gave my lifebelt to a woman, and returned to the cabin for another. I came back, passing through the captain's cabin, where I saw the staff captain, who told me to tell everyone to lower no boats."

(*The Witness withdrew.*)

The Commissioner: Now is there any other witness? Do you want to call any other witness, Mr. Priest?

Mr. Priest: No, my Lord.

The Commissioner: That is Captain Anderson.

1962. *Mr. Butler Aspinall*: Yes. "The order to lower no boats was also given from the bridge." (*To the Witness.*) Apparently you did not hear that?—I did not.

1963. You missed that if it was given?—Yes.

1964. Then it goes on thus: "Finding the ship sinking by the bow I jumped in with my mother, and after three hours we were picked up by the ship's boat of the "Katrina," a Greek cargo steamer; we owed our lives to clinging to a square box about 4 feet 6 inches as there was no room in the half sinking lifeboats near us. A great many people, especially ladies, on being reassured from the bridge went into the lounge on the boat deck just before the ship sank. I have nothing but the highest praise for the crew, especially the stewards. My mother, who was in the dining saloon at the time of the accident, would have been unable to get upstairs had it not been for the help she and other passengers received from the dining room stewards and cabin room stewardesses. I heard but one explosion. The ship was still making perceptible headway when she sank about 1½ knots and sank slowly." Then after that your son deals with the "Katrina"?—It was a stewardess that helped me on with my lifebelt.

1965. In substance do you agree with the statement I have read to you?—I do agree with it.

The Commissioner: Is there any other witness who desires to come?

Mr. Timmis: I should like to be examined, my Lord.

The Commissioner: Very well, come along.

MR. ROBERT JAMES TIMMIS, SWORN.

1966. *The Commissioner*: You have given a proof, have you not?—I have given a statement to the Board of Trade representative in Liverpool.

The Attorney-General: I have not got any proof of this gentleman. There is a declaration, not a proof.

The Commissioner: Have you read it?

The Attorney-General: I have not, my Lord. It is not in the proofs that were given to me.

The Commissioner: Do any of you desire to examine the gentleman, because if not, we will take his statement.

The Attorney-General: I understand what happened about it was that yesterday evening when the passengers' evidence was being considered, the Solicitor-General read the proof and thought it added nothing to the evidence already given, and that is why we did not call this gentleman.

1967. *The Commissioner (To the Witness)*: Now make your statement?—I want to say it is no use my reciting what I have already put in my proof.

1967A. *The Commissioner*: Oh, yes, you had better do so; I have not heard it.—I was in the dining room on D deck at the time of the explosion, at the time the ship was torpedoed, at 10 minutes past 2, Greenwich time. I noticed in the evidence so far called, my Lord, there has been no question as to what time was referred to, as to whether it was Irish time or Greenwich time or ship's time. This was 10 minutes past 2, Greenwich time, according to the information I got from the smoke room steward, who told me at 12 o'clock that day that the ship's clock had been set to London time or Greenwich time, and I set my watch. I was sitting at the table at 2 just finishing my lunch when the torpedo struck the boat. I and my friend, Mr. Ralph Moody, realised immediately what it was, and he said to me "They have got us"; I said "Yes, we had better go to the boat deck." We were about 20 feet aft of the door leading to the main stairway, the main companion way; we started for there. There was no panic in the saloon, there were not many people in it. It was then an hour and ten minutes after lunch had been started, and the steward came forward through the saloon crying "Steady, gentlemen, steady." We got to the door and repeated that, and passed everybody, I think, out through that door into the main companion way. When the room was emptied, Mr. Moody and I turned to go up the staircase to deck A. We found, almost immediately after the torpedoing, that there was a perceptible list on the boat. That list, at the time we started up the stairway, which was probably under two

minutes after the torpedo had struck her, was quite a list; it might be referred to as a big list, and as we went up the stairway I came next to a lady who was having some difficulty in making her way up, and I took her by the arm and helped her. I noticed that Mr. Moody did the same with another lady, and we so made our way up to A deck. The last flight leading on to A deck I carried my lady up on my hip hanging on to the balustrades with my left hand. That was necessary because the list was so great. I then told her to go to the low side of the ship; she said "Oh, no"; she seemed to want to go to the high side.

1968. *The Commissioner*: I do not think we want the conversation with the lady. Tell us what took place?—I then went to my room on A deck and put my belt on. There had been two belts in my room during the trip. I was the sole occupant of the room, and when I went in there to get my belt, there was only one. I put it on and went out on the port side forward of amidships. There was a man I noticed, they were lowering the boat and the falls of this boat came across the deck. The first after leaving the pulleys, and he had three turns round the davit pins.

1969. Was this boat on the port side?—Yes, and the rope came through the davit across the deck, that is the rope lay on the deck and then was carried on to the roof of a deckhouse, the funnel deck, and was there coiled, and this man was crying to the passengers to keep clear of the rope, so I went to the rope and paid the rope out off this deckhouse. I stood inboard, and I cried to the passengers to keep clear of the rope, because if it got out of control it would kill them. We managed to keep them clear of the rope. The rope did get out of control, and it went through the pulleys so fast, that those laps round the davit pin, that the rope smoked. I should think 60 or 70 feet of it paid out in that way, and I was thrown to the deck. I tried to hold on to this rope thinking my weight would stop it, but I was thrown down to the deck. I let go before I connected with the davit pin; I jumped up and looked over the rail expecting to see the boat wrecked, and to my astonishment she was on an even keel in the water with about 60 people in her, and evidently in good condition.

1970. She had been going down with 60 people in her?—Yes. I should state here that I did not see the boat as she started. She was already below the rail before I got hold of the fall—that is the rope to lower her by. I noticed that the boat afterwards was sunk, her nose was

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[Continued.]

showing above the water, and I think she was fast by the forward fall. I saw about 15 people with lifebelts on, evidently her passengers, swimming in the water. There was a little weigh on the "Lusitania" at that time, but not very much, because I noticed that these people who had been cast out of this boat after the one I had helped to lower were not losing headway much. Soon after that time, stewards came through the crowd, saying, "Everybody out of the boats; the ship is safe." I concluded that that order came from the bridge; I do not know that it did, but I concluded and still presume it did come from the bridge, and people got out of the boats. Whether they all got out or not I cannot say. I was surrounded about this time by a great crowd of steerage passengers, some Russians and other foreigners. I tried to reassure them; I could not talk to them, but I put up my hand and nodded my head and said, "All right, all right," and they seemed to understand that, and one of them kissed my hand, the first time I had ever had my hand kissed. Then the ship righted herself very much.

1971. Do you say she got on an even keel?—Almost, my Lord. Perhaps I am not justified in saying almost on an even keel, but she had come from an angle of about that to about that (*describing*). I might state that I was on my feet from the moment she was struck by the torpedo, and I never found any difficulty in standing on her deck excepting at the time I was helping that lady up

the stairway. As the ship righted herself, Mr. Moody, who was about 6 feet from me on my right said to me: "How about it, old man?" and I shook my head at him. My idea was that the ship was then gone, that the water had come over her longitudinal bulkheads, and that is why she righted herself. I did not want the steerage passengers round me to imbihe that idea though, but that was my idea then. They brought a woman to me in about a minute—

1972. Does it matter, about their bringing a woman to you?—No, I do not think it does.

1973. Then do not tell us about it.—All right, excepting that she had not a lifebelt, my Lord.

1974. Cannot you get to the end of this story?—Yes, the ship then sank, and I sank with her, and I was in the water I should think about two hours, and I was then picked up by a collapsible boat in a damaged condition; and after an hour in that boat I was put upon a lifeboat in a proper condition in charge of the first officer, who landed me at about 6.30 on a trawler, the "Indian Empire," and I eventually got to Queenstown at 10.30, I think.

1975. That is the end of it?—Yes.

The Commissioner: Does anyone want to ask this gentleman any question?

No answer.

(*The Witness withdrew.*)

The Commissioner: Is there any other witness?

No answer.

After a short adjournment.

The Solicitor-General: My Lord, Mr. Thomas is here and as the Attorney-General indicated his wish that his

The Commissioner: Then as far as you are concerned, Sir Edward, the evidence is closed subject to Mr. Thompson coming, and we will rise now until half-past-two.

evidence should be given to the Court, I propose shortly to take him.

The Commissioner: Very well.

MR. DAVID ALFRED THOMAS, SWORN.

Examined by the SOLICITOR-GENERAL.

1976. You are a member of the Advisory Committee to the Intelligence Department of the Board of Trade?—I am.

1977. And you have, I think, been a Member of the House of Commons for 23 years?—I was. I am not now.

1978. You were a first class passenger on board the "Lusitania" travelling with your daughter, Lady Mackworth, and your private secretary, Mr. Rees Evans?—Yes.

1979. Your berths were on B deck?—Yes.

1980. I think you read in the "New York Times," after getting on board the "Lusitania," certain warnings of the German Embassy at Washington and a reply by a representative of the Cunard Company in New York of a reassuring nature?—I did. I have the paper here now.

1981. And I think you received the exact terms of the assurance in reply to the cable?—I did.

1982. Now I come to the explosion. You were, I think, leaving the luncheon room with your daughter and you had just reached the lift when you heard a noise?—That is so.

1983. I think you were in no doubt that it was such, that it was either a torpedo or a mine?—Quite so.

1984. And will you tell me what you did when you heard this noise?—I went straight upon the boat deck to see what had happened, and looked round. I was under the impression then that the boat would certainly not sink for some time, whatever had happened, and there was a list on the boat at once. I had not my belt, and I saw, although the word was passed round I think officially that there was no immediate danger, so I tried to get down to my cabin which was on the B deck on the port side—there were a number of people about and I did not succeed in doing that, so I came on to the A deck again and my secretary, who was on one side of me said, "You have not got a belt, would you not like to have one?" and I said, "Certainly, I should," and I went with him to the cabin and put it on, but it seemed rather an unsatisfactory affair, so I thought I would make

another try and get down to my cabin and I succeeded in getting a belt.

1985. And then you went up to A deck again?—Yes.

1986. And by that time there was a very strong list on the boat, and you formed the view, I think, that she was rapidly sinking?—Yes, there was a very considerable list; it was only 2 or 3 minutes before she sank.

1987. Could you get to the port side?—No, I went down on the starboard side just opposite the Grand Central Staircase. And there was a boat there which I estimated to be about three parts full, and there were a couple of women and a small boy on the deck. The A deck then was level with the water, and this boat which was attached to the davits in the ropes at the side, one woman and the boy jumped into and the other woman got rather hysterical, and was too hysterical to enter it, and I rather forcibly helped her into the boat, there was nobody about, and I got in myself.

1988. I think you looked for your daughter and lost sight of her?—Yes; she looked for me and I looked for her.

1989. You never saw her after you went down for your belt?—No.

1990. Then the boat got clear, and how far were you away from the "Lusitania" when she sank?—I do not think we were more than 10 or 12 feet.

1991. Was there much suction that you could see?—No, not at all, and that is what I was surprised at.

1992. Then you went towards the coast, and I think you saw a little sailing smack which took you up?—Yes.

1993. And when you were on the smack, did you take up two more loads of people, making about 150 on board?—I estimated it at that, and we took two more in, too.

1994. Now I want to ask you about the crew of the "Lusitania"; first of all, were you able to form an opinion as to the demeanour and behaviour of the officers?—Well, I really saw very few officers. I am not prepared to swear that I saw an officer at all, but my impression was that the officers behaved very well, and certainly the

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[Continued.]

stewards and stewardesses behaved exceedingly well and heroically, I should say, and the second and third class passengers behaved exceedingly well. There was no panic at all amongst them, but afterwards it became very panicky, and the third class passengers crowded up on to the boat deck.

1995. Everybody has told us that the stewards and stewardesses behaved extremely well, and you will agree with that?—Quite.

1996. Now, I want to ask you, is there any other observation (you are a man of considerable experience) that you would like to make to the Court, either in general or in particular?—No. My first impression was that there was very little discipline or organization at all, but thinking it over again, and bearing in mind that this list occurred very soon after the boat was struck,—I was perhaps out of temper at the time, and am now rather prepared to modify that view, but speaking here I would say that there was no kind of organization, but there was certainly panic five or ten minutes after the boat was struck, and I do not think the order of the captain, “women and children first,” was obeyed by a very large number of the crew.

1997. Do you mean that they themselves went into the boats?—They looked after themselves first—they took care to save themselves first—in fact I met two or three of them afterwards, and they were boasting about it at Queenstown.

1998. Is that what you base your opinion upon, namely on what they said at Queenstown, or what you actually observed for yourself during the intensity of the crisis?—

I know at the time the first boat sank—it is not direct evidence—there were very few women and children in the boat that I got into. The first boat on the port side was let down so badly that the whole of the passengers and crew that were in it fell into the water—there were very few women in that.

1999. I want to get your own personal observation of the boat in which you were and in which you say there were not many women and children. Were any women or children excluded from the boat?—No.

2000. So that although you have made the criticism that there were not many women and children in that boat, you are not able to tell us that a single woman or child was excluded from the boat?—No, that is quite a fair comment.

2001. That is all I want from you. Now add anything you wish.—I was going to say that of course the Court can ascertain for themselves probably the figures of those saved, the different classes, women and children, and the first, second, and third class passengers and crew. With regard to the first boat, I was told by a number of people in the first boat that it was let down more rapidly than the others, that was on the port side, and the whole of those in the boat were plunged into the water, and my daughter, who was close by me, told me that there were very few in that boat and that there were not more than half a dozen children in that boat.

2002. Is that all you wish to say?—That is all upon that point.

Mr. Butler Aspinall: You and your daughter were luckily saved.

Examined by MR. WICKHAM.

2003. In what condition was the boat that you saw the women turned out of?—I say I did not see it, my daughter told me that.

2004. You did not see the boat at all?—No. There were very few boats launched on the port side at all.

Examined by MR. BUTLER ASPINALL.

2005. You remember after you got into the boat and were being rowed towards the coast?—Yes.

2006. Did you at the time form the opinion that the coast was about 15 miles away?—I did: I formed the impression and I thought I asked Captain Bell, the master of the smack, and he indicated, I thought, that we were further away, but thinking it over afterwards I came to the conclusion that we could hardly have been 15 miles from Kinsale Lighthouse, and I wrote to him again and I have his letter here in which he says as far as he can guess she was 10 miles S.S.W. of the Old Head of Kinsale. It was a very, very clear day and the sun was shining very brightly: there was not a cloud in the sky.

2007. Now I just want to ask you what you told the Solicitor to the Board of Trade; you made a very full statement, did you not?—As full as I could.

2008. I am not complaining. Did you say this to the Solicitor to the Board of Trade: “We rowed towards the coast which appeared to be about 15 miles away and was plainly visible.” Is that right?—Yes, I thought the Old Head of Kinsale was very visible indeed, shining out right in the sun.

2009. Afterwards did you say this: “We reached Queenstown safely.” Everything was done for us on board the tug, and on board the smack too. I asked the captain of the sailing smack how far we were off Kinsale Lighthouse, and suggested we were 15 miles away from Kinsale. He said, “You are further than that, because our fishing limit is 18 or 19 miles and you are outside that?”—Quite—that is what I referred to just now, and I think he must have misunderstood my question, and that is why I wrote to him again.

2010. His answer seems to be, you know, very much to the point. He said, “You are further than that, because our fishing limit is 18 or 19 miles, and you are outside that?”—I have tried to explain that that is my recollection of what he told me at the time but thinking it over afterwards, I do not think we could possibly have been so far from the Old Head of Kinsale as that, so I wrote to him asking him for his opinion, without expressing my opinion myself, and asked him “How far do you think we were from the Old Head of Kinsale?” and he said “Ten miles S.S.W.”

2011. The answer he made at the time was, “You are further than that, because our fishing limit is 18 or 19 miles, and you are outside that?”—Yes, but I think the 18 or 19 miles may not have been from the Old Head of Kinsale, it may have been from some other point, but you can easily ascertain that.

2012. I do not want to argue the matter with you?—I am reconciling the two statements or endeavouring to.

2013. Did you also tell the Board of Trade's Solicitor this, that “On the ‘Lusitania’ the officers and first and second class passengers behaved well and coolly”?—Yes.

2014. And also the stewards and stewardesses?—Yes.

2015. “There was no panic at first, but before I went down for my lifebelt the steerage passengers came up in a swarm, and after that there was no discipline at all, and no control whatever”?—Quite.

2016. That is your impression?—Yes, that is my impression.

2017. The steerage passengers were giving trouble in your view, were they?—They came up in a swarm and were trying to get into the boats.

(The Witness withdrew.)

The Solicitor-General: Now, my Lord, that is the last witness whom by the indulgence of the Court I was allowed to call at this stage. As far as the Board of Trade is concerned, I desire to make three very short observations, and unless there is any specific point upon which I can assist your Lordship, I have finished. The last witness who has just left the box has made a suggestion which so far as I know has not been made hitherto in the

case, namely, that in making the necessary arrangements in reference to the boats, the crew of the “Lusitania,” in some cases at least, did not carry out the orders of the captain that priority should be given to the women and children. My Lord, that suggestion has not been made, as far as my recollection of the evidence goes, by any other witness. It would, if established and believed, constitute a most grave reflection on the crew, and there-

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[Continued]

fore it becomes necessary to examine however shortly the evidence on which the last witness based the conclusion to which he apparently arrived. He made the statement first of all as a general statement, and then he made it more particularly as a statement in reference to the boat by which he made good his own escape. My Lord, I do not propose to deal with his evidence in so far as it consists of general allegations, because they are based upon hearsay, and would appear with respect to Mr. Thomas to be valueless. When I test them in the light of the boat in which he himself escaped, it would appear that the observation he makes is even of less value because although he advanced strangely enough in support of his suggestion that the crew had not made proper efforts to enable the women and children to escape first, and although, when I tested that statement, he cited in support of it the case of the boat in which he himself escaped and said that there were not many women and children in it, he was unable to say, having had the opportunity of observing the facts, that a single woman or a single child was excluded from that boat at the moment it left the "Lusitania," and therefore, as far as the Board of Trade is concerned, I do not certainly ask your Lordship to accept the suggestion which was made.

The Commissioner: Have you taken out the total number of children and women that were on board this boat?

The Solicitor-General: Yes, my Lord; those were contained in the Statement which was handed up by the Attorney-General to your Lordship at the very beginning of the proceedings—I think I can give your Lordship the figures—I am told that they are on page 3 of the Shorthand Notes, I have got them here in the first day's proceedings.

The Commissioner: Then just give them to me.

The Solicitor-General: I think it is the third paragraph. Let me tell your Lordship the facts about the crew and passengers. "The total number of passengers was 1,257, made up of saloon passengers 290, second cabin passengers 600, third cabin passengers 367, making a total of 1,257. Of these there were 688 adult males, 440 adult females, 51 male children, 39 female children and 49 infants."

The Commissioner: Both figures are the same?

The Solicitor-General: Yes.

The Commissioner: 129 women and children?

The Solicitor-General: Yes, my Lord. Then my learned friend did not give the figures distinguishing sex amongst the adults; he gave your Lordship this figure, that "the number of passengers lost was 785 and the number saved 472," but of the children my learned friend had the figures, "Of the 129 children, 94 were lost and 35 saved." Of course the Court has naturally to consider the effect of exposure upon infants and children of tender years in dealing with those figures.

The Commissioner: What I want to see is this, what the proportion of women and children saved was.

The Solicitor-General: My learned friend gave your Lordship the proportion of children, and I will see if I can get your Lordship that of the women. Your Lordship sees that of the 129 children, 94 were lost and 35 were saved.

The Commissioner: That is to say about one-third were saved.

The Solicitor-General: Yes. I think I can give your Lordship now the exact figures dealing with the adults. I have given your Lordship the children. Of the 688 adult male passengers (so that your Lordship may compare the figures) 421 were lost and 267 were saved.

The Commissioner: What is the percentage of the saved?

The Solicitor-General: I should have to work it out. While I am giving your Lordship the figures as to the women passengers, the percentage will be worked out. Of the 440 adult female passengers, 270 were lost and 170 were saved. I do not imagine it is worth while distinguishing between the children according to their sexes; I have the figures, but I do not suppose it is worth while.

The Commissioner: No, but what I want to get at, if I can, is the percentage of women and children saved and then I want to know what percentage of the crew were saved, and then I want to know what the percentage of the male passengers was.

The Solicitor-General: I have all those figures here and it is a question of working out the percentages and it shall be done, and while that is being done may I give your Lordship the figures for the crew?

The Commissioner: What I want to ascertain is this, whether Mr. Thomas's statement is borne out by the figures.

The Solicitor-General: Quite so.

The Commissioner: Is there a greater percentage of women and children saved as compared with the males or a greater percentage of the male passengers saved?

The Solicitor-General: Yes, I have given your Lordship the figures.

The Commissioner: I should expect to find a larger percentage of the women and children saved than of any other part of the passengers.

The Solicitor-General: Yes, that is so, always of course subject to this observation that there were several hours of exposure in open boats, and that some of these children were very young.

The Commissioner: If many of the children were babies they might very well die very quickly.

The Solicitor-General: There were 39 who were specially distinguished as being infants in the number.

The Commissioner: Yes. Have you made these calculations, Mr. Aspinall?

Mr. Butler Aspinall: No, my Lord, we are seeking to do it now in order to get the percentages.

The Solicitor-General: While the percentages are being worked out, perhaps I might finish very shortly the only two other points upon which I wish to make observations to your Lordship. My Lord, it would appear that the outstanding questions that are likely to engage most seriously the attention of the Court, for I do not desire to deal with the smaller points which have been intermittently put forward, and I do not think very seriously pressed, the two outstanding questions would appear to be the question of the responsibility of the master and then the question (which was also discussed) of the action of the company in restricting the effective boiler strength.

Now, my Lord, with regard to the master, I do not propose to add anything here or indeed to ask your Lordship to give me an opportunity of adding anything elsewhere. The facts which your Lordship must consider in arriving at a conclusion upon the conduct of the master have been fully placed before the Court and your Lordship is in a position, after considering the undoubted difficulties in which the master was placed, and, after making proper allowance for those difficulties, arrive at a conclusion as to whether the course which he adopted was a proper course, or was a course which under all the circumstances of the case exposes him to blame or censure. I do not propose to add any further observation upon that point unless it is desired.

My Lord, as far as the question of the position of the Cunard Company is concerned, I should make the same observation; the point is an extremely simple one. Mr. Booth, the Chairman of the Company, has told your Lordship the considerations which were effective to induce the Cunard Company to make the arrangements with regard to the boiler strength which have been explained by Mr. Booth to your Lordship. They were considerations of economy, based upon the desire explained by Mr. Booth, that the service should be kept going and on a balance of considerations, not upon facts as we know them now, but upon the facts as they were known then, and as reasonable men ought to have reviewed them. That again, is for your Lordship in answering these questions to form a conclusion.

Now, my Lord, unless there is anything further upon which I can assist the Court, I have nothing to add. I am told it will take a little time to work the figures out, and they shall be worked out and your Lordship shall have them.

The Commissioner: That can be done later on.

The Solicitor-General: If your Lordship pleases.

The Commissioner: Now, Mr. Aspinall, do you propose to call any evidence?

Mr. Butler Aspinall: No, my Lord.

The Commissioner: What do you propose to do?

Mr. Butler Aspinall: I am going to ask your Lordship to allow me to address you after the other gentlemen have addressed you.

Mr. Wickham: I do not propose to make any observations, my Lord, as you have heard the evidence; but, my Lord, I want to call your attention to your powers under Rule 16 of the Statutory Rules and Orders, and to ask your Lordship to exercise them if you think fit to do so with regard to the costs of the various parties that have been here before your Lordship and have called evidence if you think they have assisted in the investigation.

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MR. CLEM EDWARDS.

[Continued.]

Mr. Scott : Of course, my Lord, I have no remarks to make. I am purely here to find out what happened to Mr. Alfred Vanderbilt.

Mr. Scanlan : I feel, my Lord, that I cannot usefully assist this tribunal by making any observations. So far as I am concerned, and I believe my position is that of a number of other interests represented here,—the most important evidence is unknown to us, but it has been heard by your Lordship, and I have no doubt your Lordship, taking everything into consideration, will arrive at a conclusion based upon the facts, and it is useless to attempt to comment upon evidence which I have not heard and which is most important from the point of view of the clients I represent at this Inquiry. Therefore, I do not propose to make any observations to your Lordship.

The Commissioner : I have given you a great many examples.

Mr. Clem Edwards : I know your Lordship does not do anything without design. I feel, my Lord, in a special difficulty rather. I am here representing the relatives of considerably over one hundred of the crew who were lost. I am also here representing an organization which represents or which has as members the majority of the crew who survived, and I do want, my Lord, to make a somewhat adverse comment upon the way in which your Lordship in the exercise of your discretion has decided as to who should be made formally parties to this Inquiry. Of course, I fully recognise that as Commissioner your Lordship has the discretion, and your Lordship has seen fit to exercise that discretion by limiting the formal parties to three, each one of whom might possibly be culpable. The parties that your Lordship has admitted is the Board of Trade, who are responsible for the regulations under the Merchant Shipping Act, and there might have arisen some question here, as in another case, as to whether those regulations had been properly enforced. The owners, in connection with whom there arises a very grave question of responsibility : there may be something in that ; and the captain, in connection with whom there also arises a very grave question ; but your Lordship has ruled that the crew on this great ship should not be made parties to the Inquiry.

The Commissioner : I have heard them by their representative.

Mr. Clem Edwards : Well, my Lord, I have been in this difficult position ; I have been here representing them on sufferance and having to trust to your Lordship's grace from time to time. Your Lordship is always kind and I say nothing as to that, but let me give an example or two, if I may, as to the different position in which I stand here, to what I should have stood in had we been formal parties to the Inquiry. The Inquiry commenced three days ago, and until more than three-fourths of the witnesses had been called I was not placed in possession of the terms of what constitute the terms of reference to this Commission.

The Commissioner : You would not have had them had you been parties unless you had asked for them.

Mr. Clem Edwards : I had no right to ask for them. One assumes that they were in existence and one assumes that there might be—

The Commissioner : Are there any witnesses, Mr. Edwards, whom you would desire to have re-called now that you have seen the questions ?

Mr. Clem Edwards : Yes, my Lord, there are.

The Commissioner : Very well. Give me a list of them and they shall all be re-called. Do not let us have a grievance. Give me the names of the witnesses whom you wish to be re-called.

Mr. Clem Edwards : It is not a question of the names of witnesses. It is a type of witness that I should desire to be recalled. I will explain precisely what I mean. Would your Lordship kindly look at Question 14.

The Commissioner : Read it to me.

Mr. Clem Edwards : The first part of the question says, "What was the effect on the 'Lusitania' of being struck by the torpedo or torpedoes ?" Now beyond the broad fact that we know she went down within 20 minutes, we have had no evidence at all as to whether—

The Commissioner : Do you wish to call any evidence ?

Mr. Clem Edwards : Personally, I do not.

The Commissioner : Then what is your grievance ?

Mr. Clem Edwards : My grievance, my Lord, is this, that the Board of Trade, who have been responsible primarily for the conduct of this Inquiry, have not put witnesses in the box to show, if it were possible to show it, what was the extent of the damage—

The Commissioner : Do you know that they could find any such witnesses ?

Mr. Clem Edwards : Well, we ought to have been told that, my Lord.

The Commissioner : By whom ?

Mr. Clem Edwards : By those who are responsible primarily for bringing the evidence before this Court.

The Commissioner : Who are they ?

Mr. Clem Edwards : The Board of Trade.

The Commissioner : Now wait a moment. You have a grievance against the Board of Trade, and it is that they have not called a certain class of evidence. Do we know that that class of evidence exists ?

Mr. Clem Edwards : I assume that it does, my Lord.

The Commissioner : But why do you assume it ? Do not try to make objections.

Mr. Clem Edwards : I think there are very real and substantial objections.

The Commissioner : I am not going to let you have a grievance. You shall have anybody here who you suggest can help you.

Mr. Clem Edwards : The point is, my Lord, that the grievance exists and that grievance is that we have not been parties to the Inquiry, and therefore not in a position to stand upon rights.

The Commissioner : What better position would you have been in if you had been a party to the Inquiry ?

Mr. Clem Edwards : If we had been parties to the Inquiry we should have been admitted to another room where we should have been able to ascertain whether there was any evidence at all directed to this specific point.

The Commissioner : You would not, let me tell you plainly. Therefore that is not a grievance.

Mr. Clem Edwards : Very well. Then if it is to be put that that is within the category of the things that we could not inquire into in public, then my grievance is that we were not parties and were not admitted, and that is a grievance rather against your Lordship's direction than against the Board of Trade.

The Commissioner : What difference would it have made to you, except costs—I understand that—if you had been made a party ?

Mr. Clem Edwards : I suggest, my Lord, that if we had been parties to the Inquiry (I put that with regard to the admission to another room) we should there have been able to thrash out a question—

The Commissioner : Are you again suggesting that you would have been heard *in camera* ?

Mr. Clem Edwards : I suggest that is so.

The Commissioner : Then I tell you again as I have told you so before, you would not.

Mr. Clem Edwards : Then the lesser grievances that I have as representing the sailors and the firemen would be merged in the greater grievance, that they would not be a party to an Inquiry that they thought vital, and I say no more upon that particular point.

Now I do suggest that apart altogether from those questions which by common consent it would be right, in the state in which we find ourselves at the present time, to rule out of public discussion—apart from that, I do suggest that there ought to have been evidence in this Inquiry as to how far, if it had been possible to get it, the immediate damage from the torpedo went, and secondly—

The Commissioner : I have asked you before, and I will repeat the question : Do you suggest that such evidence exists ?

Mr. Clem Edwards : I do, my Lord.

The Commissioner : Where is it ?

Mr. Clem Edwards : I should suggest that it exists among some officers and members of the crew.

The Commissioner : Can you give us the name of a single officer or member of the crew or passenger who can assist you in that direction.

Mr. Clem Edwards : No, my Lord, because we have not had access to these witnesses, nor have we had access to their proofs.

The Commissioner : But you might have if you had chosen. You are a very rich Union, are you not ?

Mr. Clem Edwards : No, we are not.

The Commissioner : You have got a good deal of money ?

Mr. Clem Edwards : No, we have not.

The Commissioner : Have you no money ?

Mr. Clem Edwards : There is some, my Lord, but there are very grave responsibilities upon the Union.

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MR. CLEM EDWARDS.

[Continued.]

The Commissioner: You could have got at these witnesses quite well. You have given me the impression that you want to make a grievance.

Mr. Clem Edwards: I tell you frankly I have no desire to make a grievance, but I do desire to place frankly before your Lordship what I consider to be a real grievance. We have a right to assume, in an Inquiry of this sort, that something like precedent would be followed, and one assumes that the questions would not have been drawn as they have been drawn for the purpose of this Inquiry by, I presume, the responsible officers of the Crown, without there had been some evidence.

The Solicitor-General: What do you mean?

The Commissioner: I will tell you this: Those questions are drawn up before any evidence is obtained at all.

The Solicitor-General: This is a matter of some importance. My friend is evidently reflecting in some vague and unintelligible fashion, and perhaps he will explain his position a little more clearly.

The Commissioner: Now try and get rid of your grievance and come to the point.

Mr. Clem Edwards: I do not understand the observation of the learned Solicitor-General.

The Commissioner: Go on with your case, but do try and divest yourself of these grievances which I do not believe you mean.

Mr. Clem Edwards: I am not going to question the responsibility to my clients by protesting that there is no grievance when I think there is a very real grievance.

The Commissioner: All these other people that have been called upon by me have exactly the same grievances, if they are grievances, and I have not heard a word from them about it.

Mr. Clem Edwards: I am not my legal brother's keeper, so I can say nothing as to that, but we have had here no evidence admitted to show whether above and beyond the primary damage which was done by the torpedo there was secondary trouble caused through the question of the watertight doors or not.

The Commissioner: You have cross-examined about it yourself, you know, men who were down in the engine room and men who could give you the information.

Mr. Clem Edwards: That quite illustrates that. When I started to cross-examine the third engineer your Lordship pulled me up by saying that a third engineer was not a proper person to ask questions of that sort.

The Commissioner: You have had others since then.

Mr. Clem Edwards: Since I have had these questions handed to me Captain Turner has returned to the witness box, and with your Lordship's permission I asked Captain Turner certain questions, which resolved themselves into Captain Turner saying that he gave instructions to Captain Anderson to instruct the carpenters to take soundings and we could not get beyond that.

The Commissioner: You did not expect Captain Anderson to be called did you?

Mr. Clem Edwards: No, I did not. Of course I did not. With regard to the main point of the Inquiry, it is of course perfectly futile, and in view of the vital evidence not being before me it is perfectly impossible for me to address the Court with any advantage at all. I can only say this, that if the question of speed is a matter of importance, an important element of safety in relation to submarine warfare, if the question of keeping a straight course or zig-zagging is an important element of safety in relation to submarine warfare, then I should submit that upon the evidence as you have it here, apart from the question of Admiralty advice which we cannot go into, there is revealed a grave responsibility, both on the part of the owners and on the part of the captain of the ship, for the owners of a ship with a great danger anticipated for them to tie their hands to a captain in the manner of navigating by limiting—by giving him an instruction telling him that he should only have 19 boilers which will give a maximum speed of 21 knots, instead of having the 25 boilers fired, which when linked up would give a maximum speed of 24½ to 25 knots, reveals a state of very grave culpability, I submit on the part of the owners.

The Commissioner: Had it anything to do with this catastrophe?

Mr. Clem Edwards: That I am unable to answer in the absence of the evidence which your Lordship took in camera and that is why I postulate it.

The Commissioner: That is not true. You are making a statement which is not accurate. The evidence given in camera has got nothing to do with the question that I am putting to you now. If the speed and the power of

getting up speed had been increased would it have made the least difference to this catastrophe, and if so tell me how, because I should like to consider it.

Mr. Clem Edwards: There has not been evidence given here in public which shows one way or the other; that is to say, that at most all that can be done is to draw an inference from and to make a comment upon the evidence which has been given and if her speed is an important element of safety.

The Commissioner: Now do not slip away from the point.

Mr. Clem Edwards: I am not going to, my Lord; I am going to do it in my own way.

The Commissioner: I am not going to let you, if I can help it. This torpedo suddenly came into the side of the "Lusitania"; it was not observed much more than a few seconds before it came; how would the speed of the vessel or the capacity for getting up speed have affected the catastrophe? That is what I want to know from you.

Mr. Clem Edwards: It can only be an inference, and what I suggest is that this is the right inference to draw from the evidence that is already in public before your Lordship.

The Commissioner: That is quite right.

Mr. Clem Edwards: Captain Turner in answer to a question by me said "I kept as straight a course as I possibly could." That is one. "I was going at 18 knots." That is two. Now let us assume that there was a submarine on the watch: there could have been no difficulty for the observation officer in that submarine to get the speed at which the ship was travelling, no difficulty at all to place himself in a certain definite position in relation to the oncoming ship and knowing its line and knowing its distance, it can fire a torpedo at a comparatively short range, the likelihood of getting that steamer at 18 knots as compared with a greater speed; there is a likelihood—I simply put it in that way; that is to say, it is a balance of probabilities between the one speed and the other. So much for the moment for speed alone. Let us suppose that you have in combination with a speed a zig-zag course, and let us assume that for a certain distance the steamer runs one quarter of a mile to the north-east, then it swings over and it runs half a mile to the south-east, it swings back again and does 800 yards to the north-east and so on, it would be very, very difficult if not impossible for a submarine to estimate exactly what was going to be the distance on a particular one of the zig-zags; that is to say, a varying distance at each zig-zag would be confusing to the submarine. I therefore submit, that assuming the general principle that speed has something to do with safety and that zig-zag has something to do with safety, it is a perfectly fair inference from the evidence which has been given by Captain Turner that he was zig-zagging, and he was only going 18 knots an hour, to say that that was even on the evidence as you have it here, a grave contributory cause to this disaster, and if that be so, then any action on the part of the owners limiting the discretionary powers of the captain, is in its turn a matter of grave culpability. I cannot say more than that.

The Commissioner: All that I quite well understand, and what you are saying now appears to me to be the point. It is the grievance I do not like.

Mr. Clem Edwards: I admitted, my Lord, that the grievance was continuing after we got to the speed of the ship, and that so far as the evidence goes here is really the main evidence with regard to which one does feel in a special and peculiar difficulty, that is to say, that the evidence that your Lordship has to deal with is evidence which is not at present before us, and upon which I am not therefore in a position to comment.

Mr. Marshall: We are quite satisfied, my Lord, with the course of the Inquiry, and do not raise any objection whatever.

Mr. Macmaster: My Lord, I have only a few observations to make and I will be able to make them in two moments. In the first place I have no grievance.

The Commissioner: I am very glad to hear that.

Mr. Macmaster: The fullest opportunity has been given here to cross-examine witnesses and to call witnesses and there has been no mention in any respect of any grievance in that connection. The second observation I wish to make is this. The hearing has been very expeditious; the evidence has been so recently taken that it is entirely fresh in your Lordship's memory and for that reason it is quite unneces-

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[Continued.]

sary, I think, to review it. Then the remaining question is the question of the responsibility which may have some bearing in respect of the public and in respect of private individuals. These may not be entirely before your Lordship at this time and may not be entirely precluded by the result of this investigation, but, upon the whole, upon behalf of the clients whom I represent, I must say we are entirely satisfied.

The Commissioner: Where is Mr. Cotter?

Mr. Clem Edwards: He has gone to sea, my Lord.

Mr. Butler Aspinall: I have been looking for him, my Lord, but he is missing. My Lord, I cannot say I have nothing to say but I have little to say, and I say so advisedly, having regard to the evidence which has been put before your Lordship and those who sit with you.

My Lord, my duty is now to address you on behalf of my two clients, one the Cunard Company and the other the master, and in view of the fact that a good deal of the evidence which affects the conduct of the master has been given before your Lordship in private, unless your Lordship wishes me to address you with regard to his conduct, I do not propose to add more than I did have an opportunity of saying before your Lordship *in camera*.

The Commissioner: I may desire you and the representative of the Board of Trade to address me upon the question of navigation—but not here.

Mr. Butler Aspinall: I thought it was highly probable that that was the course your Lordship would adopt, and therefore I shall make it my business under those circumstances to severely dissociate myself from in any way dealing with the topics which were mentioned in your Lordship's private room. It therefore becomes my duty to ask your Lordship to consider, looking at the matter quite broadly, whether or not the Cunard Company have failed in the duty which they owe to the public, and my submission to your Lordship is that the answer to that should be in the negative. One has noticed that various representatives of passengers and others and also certain unions have taken a part, and a very proper part, in the elucidation of the facts, and after the evidence was closed all of them, with the exception of Mr. Clem Edwards, whom we are always delighted to hear, had nothing to say: in other words, apparently neither had they a grievance nor apparently had they a case.

Mr. Scanlan: That is not admitted at all.

Mr. Butler Aspinall: Then I withdraw it at once.

The Commissioner: You need not trouble about Mr. Scanlan.

Mr. Butler Aspinall: No, my Lord, he is a great friend of mine and it may well be that we may have the pleasure of meeting him in some other place, but at any rate they have seen fit not to trouble your Lordship for the moment with any evidence which otherwise we might have had the benefit of hearing. Mr. Clem Edwards has, I submit, not a grievance so much as a grumble to put before your Lordship, and he succeeded in putting it, but it is difficult for me as representing the interests of the Company to appreciate quite what the grumble amounts to. He is appearing here on behalf of the National Union of Sailors and Firemen, and what benefit either he or his clients would get—

The Commissioner: Whom are you talking of now.

Mr. Butler Aspinall: Mr. Clem Edwards.

The Commissioner: I thought Mr. Clem Edwards represented the Engineers?

Mr. Clem Edwards: The National Union of Sailors and Firemen.

Mr. Butler Aspinall: I have been wondering what benefit he would get by succeeding in establishing that there was any dereliction of duty on the part of the Cunard Company or of the officers in charge of this vessel. However, perhaps I may pass that by.

Now, my Lord, has there been any dereliction of duty on the part of the Cunard Company? I submit it is established beyond all possible doubt that, in this case, the Cunard Company supplied the public with a seaworthy and a high class vessel and a vessel fitted and amply fitted with life-saving appliances, and also that they put her in the charge of a capable and efficient master, officers and crew, and did their best, as business people, so far as they reasonably could, to bring it home to the master that it was his duty to take all precautions and extra precautions to avoid the danger of submarine menace.

My Lord, I submit that if they have discharged those duties, they have done all that can be asked of them. It is beyond all doubt (you want no evidence of that) that the "Lusitania" was almost the last word, if I may so

call her, in the great passenger steamers that cross the Atlantic. She was, as we have heard from the Board of Trade officials, amply fitted with life-saving appliances on the occasion when some three weeks before, I think it was, she left Liverpool, and we have the affirmative evidence of various officials whose duty it would be to attend to these matters who tell your Lordship that at the time there were ample life-saving appliances and everything was in good order and condition and ready to be used. We have the fact that after this vessel entered into the danger zone it was appreciated by the captain that the time had come for him to take extra precautions.

The Commissioner: I have had no evidence as to when these lifeboats, as to which some complaints were made, were built. Will you ascertain for me, were they built for the ship or have they been built since.

Mr. Butler Aspinall: My Lord, the general manager tells me that the boats which were on the ship at the time of this calamity were not the boats, certainly not all the boats, which had originally been supplied to the ship owing to various recommendations which have been made.

The Commissioner: I suppose some of them were put on after the "Titanic."

Mr. Butler Aspinall: Yes. The general manager says that many of the original boats would still have been on at the time of the casualty, a certain number were put on at a subsequent time, and those were either new or comparatively new boats. My Lord, so far as the equipment of this ship is concerned, I submit that it would be impossible for your Lordship upon the evidence to come to the conclusion that there had been anything wanting with regard to their efficiency or anything wanting with regard to their condition or anything wanting with regard to their readiness for use. They were swung out, and it was the business of one of the officials on board the ship to see that they were ready for use, and for the safety of the man's own skin, one may feel assured I submit that everything was done that could be done in order to make these boats efficient and ready for use on this occasion.

Now the next point that one has to consider is this: speaking on behalf of my client, did the captain, did the officers, and did the crew, although I only hold a brief for the master—did they do everything that could be expected of them after the ship had been struck by the torpedo?

My Lord, I submit that these men were not found wanting in this hour of need. We have it that the first consideration on the part of the officers and the master was the women and children. I shall deal shortly with the impressions—I advisedly use that word of Mr. Thomas. There is an abundance of evidence that that is what came first, not only on the part of the captain, not only on the part of the officers and crew, but very probably on the part of the male passengers—women and children first; and if there was some slight confusion can it be unexpected? There was no panic. Of course there was confusion, and Mr. Thomas has told us himself that apparently there was no practical confusion until the steerage passengers, to some extent, as it were, rushed the ship, but women and children came first, and if one may go almost to the end of this drama, this tragedy of the sea. What happened? As this great vessel goes down, where do we find the captain? Where would you expect to find him? On the bridge of his vessel. What is happening during the interval? The time is short; the vessel has a list which means, of course, that practically all the boats on the port side are put out of action. By some great good luck some of those boats did reach the water, and when they did reach the water, so far as we can find, they were damaged and they were useless for the purpose of saving life, but not only was the time short, and not only were half the boats put out of action, but in addition to that, the ship had this great list and she never lost her headway, and when one remembers the height from which these boats have got to be lowered into the water, and if in addition to that you have to deal with the difficulty when the boats were being lowered of the ship being in motion, I submit that extremely good work was done by these men in handling the boats as they did. There were mishaps with regard to the boats; of course there were; it is to be noticed that so far as we have been able to gather from the evidence, those mishaps mainly happened on the port side. Unfortunately the passengers, I have no doubt actuated by the best wish in the world, wishful to save the lives of others and their own, took charge of certain of the boats on the port side, and the result of it

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[Continued.]

was that in their efforts to get those boats into the water. I submit it is fairly certain that those boats met with catastrophe, and other boats which reached the water as I said, in the process of reaching the water had been bumped against the side of the ship, and the result of it was that those boats when they got to the water were leaking, water got in, and the result of it was that the unhappy passengers and the occupants of the boats were thrown into the water.

My Lord, to justify what I am contending for, namely, that the master, officers, and crew behaved well on the occasion of this disaster, may I, by way of illustration, remind your Lordship of one little incident that happened? I call it little; it is the wrong epithet. That was the part that that young man played; his name was Leslie Morton. He was a boy aged 18. He was thrown into the water. He told us that after he got into the water, he, with another man, I think his name was Parry, saw a boat with its cover on, probably one of these collapsible boats; he unripped the cover and he and his companion got in and succeeded in saving some 50 lives. They put them in a smack. They then with the help of others returned to the wreck and saved more lives.

The Commissioner: What was that boy's name.

Mr. Butler Aspinall: That boy's name was Leslie Morton. He was a young lad who had been an apprentice—and this was his first voyage with the Cunard Company and I hope he will make many successful voyages in years to come—and at New York he was shipped on board as a seaman and that is what he told us he did. Mr. Jones, the first officer, in the same way told us that that was the sort of thing he did, and I have no doubt that there were many deeds of a similar character of which we have heard nothing, but which were in fact performed.

Now that, my Lord, leads me to deal with Mr. Thomas's evidence, and I speak in no spirit of hostility to Mr. Thomas, far from it. Mr. Thomas said many things which I pray in aid. As I pointed out I directly hold no brief for the sailors; I rather think that is Mr. Cotter's duty. But appearing as I do on behalf of the Cunard Company, I think it is only right to say as I have said, that I submit the evidence establishes that the sailormen on board the "Lusitania" did not fail. It is to be remembered that Mr. Thomas's opportunities for accurate observation were poor, they were short. I notice his main desire was to save his life and probably to save the life of his daughter, and I do not suggest for one moment that he has not come here wishful to give your Lordship what he conceives to be the facts of the case: but it is to be noticed that whereas in the statement that he made to the Board of Trade, his attention is directed to the conduct of those engaged in the management of the ship, this very grave and very serious reflection is not made in that statement. It may be of course that he has recollected it since.

The Commissioner: Is there any objection to putting that statement of Mr. Thomas in?

Mr. Butler Aspinall: I cross-examined Mr. Thomas to it and to that extent it is in evidence.

The Commissioner: Is there any objection to putting it in?

The Solicitor-General: Not on the part of the Board of Trade.

The Commissioner: Then put it in.

Mr. Butler Aspinall: I want Mr. Thomas to perfectly understand that I am in no way reflecting on the honesty of his evidence, not for one moment. Of course it is a grave matter. These men are men in a humble position of life, but their character is to them just as valuable an asset as it is to us.

The Commissioner: I want on this part of the case to ask you a question. I was told, I think, in the course of the Inquiry that the crew who sign on at Liverpool sign on for the return voyage. That is so, is it?

Mr. Butler Aspinall: Yes.

The Commissioner: They go out and home.

Mr. Butler Aspinall: Yes.

The Commissioner: Have the men the right as the law stands, to be paid off if they choose at New York?

Mr. Butler Aspinall: I think not.

The Commissioner: Could you tell me, Mr. Edwards? Supposing the men sign on at Liverpool for the round journey out and back?

Mr. Clem Edwards: It would depend entirely, my Lord, upon their articles.

The Commissioner: What I mean is this, suppose they sign on there and back have they under the law a right to claim their discharge and be paid their wages at New York?

Mr. Clem Edwards: No, my Lord.

The Commissioner: If they obey the law they must come back in the boat they went in.

Mr. Clem Edwards: That is so, my Lord.

The Commissioner: Then they cannot be bound for more than one round voyage can they?

Mr. Clem Edwards: Yes. There are time articles with some ships, my Lord, where they bind themselves to go for so long—two years in some cases.

The Commissioner: Is it possible to bind a man for two years?

Mr. Clem Edwards: I do not know that a case has been tested, my Lord. It is done in practice.

The Commissioner: That is sufficient for me, if it is done in practice.

Mr. Clem Edwards: Yes, my Lord.

Mr. Butler Aspinall: My Lord, so much for the conduct of the master, officers and crew of the vessel. I also wish before I sit down to pay the tribute of the Cunard Company to the efforts and the successful efforts to save life that were made by the small craft that came out upon the scene of the wreck.

The Commissioner: How many of these fishing craft were there?

The Butler Aspinall: I do not think there is any evidence with regard to their exact number. There were some four or five that we have heard of.

The Commissioner: That is enough.

Mr. Butler Aspinall: My Lord, the only other topic that it remains for me to discuss is the topic of the speed of the "Lusitania." Mr. Clem Edwards in his attack upon the navigation of the "Lusitania" emphasized that matter. I submit, my Lord, that the Cunard Company have nothing to reproach themselves with for having sent their ship to sea under such circumstances that she should travel at a reduced speed. They are, of course, a business company; they are not philanthropists; they send their vessels to sea in the hope of making a profit and what Mr. Booth told us was that in view of the war, and in view of the submarine menace, it was considered what was to be done, whether to keep both the "Lusitania" and the "Mauretania" in commission, and on this service, or were they not. They withdrew the "Mauretania," and they came to the conclusion, as I submit they were rightly entitled to do, having regard to the experience they had at the time that it was safe and reasonable to drive her at a speed of 21 knots through the water; in fact, my Lord, she still, I believe, continues to be the fastest vessel crossing the Atlantic, and it would mean that if it were wrong to send a ship to sea which would travel at only 21 knots, it would be almost criminal for the other passenger steamers which happily are still safely crossing the Atlantic to continue to do so. The Attorney-General who were keenly desirous of elucidating all the facts did ask Mr. Booth this, whether in view of the fact that on the Sunday he knew and heard that threats were being made in New York to torpedo the "Lusitania," he had taken any steps to inform the captain by wireless that he ought to take measures to accelerate his speed. Mr. Booth, I submit, gave a perfectly satisfactory and proper answer to that question. He said "No." He said, of course, we could have communicated with the ship, but we could only have done so through the Admiralty, and it may be there was just sufficient coal, no doubt a near thing. But after all, this is to be remembered, that in order to put your extra six boilers into commission you want the necessary equipment of firemen, stokers and greasers, and they were not there to do the work.

My Lord, I submit the comment made by Mr. Clem Edwards with regard to speed fails, and that there was nothing wrong with regard to the diminution of speed.

Now, in connection with that topic, may I remind your Lordship what the evidence of that boy whom I have already alluded to, young Lealie Morton, was as to what he saw with regard to the torpedo. He seems to be a distinctly intelligent lad, and he said when the torpedo was fired, he saw it coming about 500 yards away, and about 4 points on the starboard bow of the "Lusitania." Now that was the position fairly and substantially of the submarine at the time the torpedo was fired. Well, if you take that to be the ship, the picture, and if you put the torpedo off 4 points on her starboard bow, in view of the fact that she is very

17 June, 1915.]

THE SOLICITOR-GENERAL.

[Continued.]

nearly 800 feet long, if there was to be anything in the nature of accurate firing, it is almost certain that she would get a hit, and I submit that this difference of speed, this reduction of speed was in the circumstances of the case negligible. My Lord, to sum the matter up, the two questions which mainly concern me are the two last questions, the questions whether the captain of the "Lusitania" and whether the owners of the "Lusitania" are to blame. I ask your Lordship with much confidence to answer those two questions in the negative.

The Solicitor-General : Now, my Lord, I have the statement of Mr. Thomas which I will hand up to your Lordship (*handing in the same*), and I have those percentages worked out.

The Commissioner : Just tell me what they are.

The Solicitor-General : Of the total crew 41·7 were saved. Of the total passengers, including in that the men, women and children, 37·5 were saved. Of the total female passengers, 38·6; total male passengers, 38·8; total children, 27·1.

The Commissioner : There was a larger percentage of the crew saved than of passengers.

The Solicitor-General : Certainly, my Lord, but, of course, as your Lordship will see (I am not concerned to argue it)—your Lordship will see that in dealing with the crew you are dealing with men who are in the main sailors, and are in the prime of life and are more accustomed to taking care of themselves than women and children.

The Commissioner : However, there is the fact, that there is a larger percentage of the crew saved than of the passengers.

The Solicitor-General : Yes.

The Commissioner : Now I observe that the smallest percentage saved is in the children.

The Solicitor-General : Yes.

The Commissioner : There is a considerable difference.

The Solicitor-General : Certainly.

The Commissioner : Then I find that in the male passengers saved I suppose you are including the crew.

The Solicitor-General : No, my Lord. In dealing with the females, the figures I gave your Lordship in terms relate to female and male passengers.

The Commissioner : Does not it include the stewardesses?

The Solicitor-General : I can give your Lordship separate figures for those. Of the males of the crew 41 per cent. were saved; of the females of the crew 36 per cent. were saved.

The Commissioner : There again you see the number of women saved is less than the number of men.

The Solicitor-General : Of course, your Lordship will see that quite a number of the crew and passengers found themselves in the water, and it becomes a question then of the power of resistance to exposure for many hours in the water. One has to climb on overturned boats, and in some cases swim a distance to a box, as one witness described it, and all those considerations have to be carefully borne in mind.

The Commissioner : Have you got those percentages written down?

The Solicitor-General : I have them written down in a more formal fashion. Mr. Branson will write them down and give them to your Lordship.

The Commissioner : As I look at it, they seem to carry out Mr. Thomas's suggestion.

The Solicitor-General : I have made the only comment I want to make upon them.

The Commissioner : Now I shall want to hear some one from the Board of Trade and you, Mr. Aspinall, or your junior to-morrow morning at half-past ten in the room here at the back of the Court upon the question of the navigation of the vessel.

The Solicitor-General : If your Lordship pleases.

Adjourned to to-morrow at 10.30 o'clock.

In the Wreck Commissioner's Court.

WESTMINSTER PALACE HOTEL,
WESTMINSTER, S.W.

Thursday, 1st July, 1915.

PROCEEDINGS

BEFORE

THE RIGHT HONOURABLE LORD MERSEY,
Wreck Commissioner of the United Kingdom,

WITH

ADMIRAL SIR F. S. INGLEFIELD, K.C.B.,
CAPTAIN D. DAVIES,
LIEUT.-COMMANDER HEARN,
CAPTAIN J. SPEDDING,
Acting as Assessors,

ON A FORMAL INVESTIGATION

ORDERED BY THE BOARD OF TRADE INTO THE

LOSS OF THE STEAMSHIP "LUSITANIA."

FIFTH DAY.

The Attorney-General (THE RIGHT HON. SIR EDWARD CARSON, K.C., M.P.), The Solicitor-General (THE RIGHT HON. SIR F. E. SMITH, K.C., M.P.), MR. P. J. BRANSON, and MR. DUNLOP (instructed by Sir Ellis Cunliffe, Solicitor to the Board of Trade) appeared as Counsel on behalf of the Board of Trade.

MR. BUTLER ASPINALL, K.C., MR. LAING, K.C., and MR. A. H. MAXWELL (instructed by Messrs. Hill, Dickinson and Co., of Liverpool) appeared as Counsel for the Owners, the Cunard Company, and the Captain.

MR. DONALD MACMASTER, K.C., M.P., appeared as Counsel for the Canadian Government.

MR. G. A. SCOTT appeared on behalf of the representatives of the late Mr. Alfred Gwynne Vanderhilt, a passenger.

MR. THOMAS SCANLAN, M.P. (instructed by Mr. H. Z. Deane), appeared on behalf of Mrs. Ellen Conghlan, widow, and the representatives of between sixty and seventy, first, second and third class passengers.

MR. ROSE-INNES, K.C., and MR. H. W. WICKHAM appeared on behalf of Mr. Crichton and certain passengers (instructed by Messrs. Thorne and Co.).

MR. THOMAS PRIEST, appeared for Mr. H. B. Lasseter and others.

MR. COTTER appeared on behalf of certain representatives of the crew.

MR. CLEM EDWARDS, M.P., appeared on behalf of the National Union of Sailors and Firemen.

MR. W. L. MARSHALL (General Secretary), appeared on behalf of the Marine Engineers' Association.

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1 July, 1915.]

MR. JOSEPH MARICHAL.

[Continued.]

The Solicitor-General: Your Lordship, as I understand, has indicated that on certain points further information is desired?

The Commissioner: Yes.

The Solicitor-General: I think either the Board of Trade or those who represent the Cunard Company

are in a position to give your Lordship information upon most, if not all, of the points involved. If it is convenient to your Lordship I propose, first of all—as I gather it is desired that Mr. Marichal shall be allowed to make a statement—to ask your Lordship's permission for him to do it at once.

The Commissioner: Very well.

MR. JOSEPH MARICHAL, SWORN.

Examined by the SOLICITOR-GENERAL.

2018. You, I think, were Lecturer in Romance Languages at Queen's University, Kingston, Ontario?—That is right.

2019. And I think you were returning to this country for a holiday on the "Lusitania"?—That is right.

2020. And you were desirous of making a statement to the Court at the last hearing?—Yes.

2021. What do you want to say about this matter?—I want to draw special attention to those statements I have made and which have been made by other witnesses, and, in addition, I want to make another statement which is not in the statement I gave to the Board of Trade but which is necessary in view of the statements made by Mr. Booth. It has been said that the want of coal for obtaining the speed of the "Lusitania" was for economy's sake; yet no one has mentioned that the fares for second-class passengers at this time of the year were of a minimum of 70 dollars, yet although the Company seem to have been harder hit they were reduced to 50 dollars, that is to say, by almost one-third.

2022. *The Commissioner:* Is that all about that?—So far, yes. My opinion is that it would have been better to attack the pockets of the passengers than their lives.

2023. Your statement is not before the Court. You had better say anything else you want to say, whether it is included in your statement or not?—Quite right. I mean to say everything as long as my Lord allows me to do so. The second point which has been made clear is this. The second explosion might have been due primarily to the explosion of a torpedo, but not to a torpedo alone. The nature of the explosion was similar to the rattling of a machine gun for a short period.

2024. Do you suggest that a Maxim gun was discharged on the ship?—No, my Lord; I suggest that the explosion of the torpedo caused the subsequent explosion of some ammunition, and I have special experience of explosives.

2025. What is your experience of explosives?—I have served as an officer in France.

2026. In what regiment?—In the 8th Regiment of Infantry.

2027. How long were you in it?—Five years.

2028. What war were you in?—I have not been in any war, but I have been in peace experiments which are necessary for the purposes of war.

2029. When were you in this regiment?—I was incapacitated for service in 1903 on a pension of 850 francs a year.

2030. Am I to understand that you are a French subject?—Yes, my Lord.

2031. Were you born in Switzerland?—No.

2032. Were you ever in Switzerland?—Once—travelling in Switzerland, yes. I have been travelling practically all over Europe during my holidays.

2033. *The Solicitor-General:* Where did the sound of the explosion which you attribute to ammunition seem to come from—from what part of the ship?—From underneath; the whole floor was shaken. The whole of the silver plate fell down, which it did not do on the first explosion, and the ship at once took a very decided list, and that was the reason why I returned to my cabin.

2034. You have not answered my question:—From what part of the ship—forward, aft, or amidships, did the sound come?—We were in the dining-room, and the only idea we could form was that the whole floor was shaken.

2035. Do you mean underneath the dining-room?—The whole floor of the dining-room was shaken by the

explosion. I could not form any idea as to the part where the explosion took place.

2036. That was the second class dining-room, was it?—That was the second class dining-room aft.

The Solicitor-General: I think your Lordship might usefully look at the plan. *Those* are the second class dining-rooms (*pointing on the plan*).

2037. *The Commissioner:* (*To the Witness*) Have you anything else to tell us?—I want to speak about the treatment meted out to us on landing by the Company's officials, which was disgraceful. I will give details. I have given details in my statement to the Board of Trade.

The Solicitor-General: Please tell the Court anything you want to say.

The Commissioner: It has nothing to do with the Inquiry, but still make your statement?—In this way. I understand this Inquiry to be concerned with the loss of life. I have lost a child and my wife is an invalid as the result of this treatment, so I think it is relevant to the Inquiry.

2038. Then tell us about that?—We landed at Queenstown about half past 8 or a quarter to 9. We had left the dining-room without any clothes—without any overcoats—nothing but a blouse for my wife, no hats for the children, and only slippers. We had been in a boat which was leaking for four hours, we were practically wet, cold, and hungry, yet we had to wait for two hours in the Company's offices for having the privilege at about 10 o'clock of telling our names, where we came from, whether we had passports or not, and finally being directed to a hotel. The next morning at 7 o'clock I went to the Company's offices to ask for information as to the first train to leave Queenstown. With much difficulty I gained admittance.

2039. At what time was it?—Seven o'clock in the morning. I was told that the offices did not open until 9 o'clock under any circumstances; so we had to wait until 9 o'clock.

2040. But could not they tell you at the hotel about trains?—Not very well.

2041. Did you ask them?—I asked for a time-table, but I could not make out the times very well from the local time-table.

2042. Did you ask anybody to tell you when the train went?—Where?

2043. At the hotel: Did you ask anyone, when you could not understand the time-table, to tell you?—No, for this reason, that we had left the dining-room practically penniless and it was necessary for the Company to supply our tickets as well as telling us the time, and I thought they would hire a special train for us. That was the reason I did not trouble further about it at the hotel. At 9 o'clock we were told that there was a special train at 3 o'clock in the afternoon, and all that we had to do was to be present at the station at that time. Thereupon I asked the representative of the Company to provide us with some pieces of clothing which were very much needed. My children had only slippers, which were very wet, my wife had only a blouse, and we were all in a pretty predicament with regard to clothes. I asked if I could be given a few shillings for the journey. With the three children, one of them being only two years old, I expected I should want some money. I was told I could not get any money, that they would not even lend me £1.

2044. Who was it told you that?—The manager at the office.

2045. What was his name?—I do not know his name, but I can identify him right enough.

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MR. JOSEPH MARICHAL.

[Continued.]

2046. Is he here?—I do not see him, but I should easily recognise him. I could remember the man as long as I live. No, he is not here, my Lord, I do not see him. In connection with clothes, we were told to go to a certain shop, where they would give us what we asked for. I went to the shop and they would not give me anything; they said they had to have a written order from the Company. Back I went to the Company's office but the manager was not to be seen then; but still I jumped over the counter and managed to see him. He would not commit himself in writing, he simply said I could get a certain amount of goods. I got a few things, of which I have given a list in my statement; but when it came to getting a coat for my wife (perhaps I was wrong in leaving that till last) I was told I had exhausted the amount of credit given to me, and no amount of exertion in the shop could get me any more; so that my wife had to travel with only a wet silk blouse all night, which was very cold.

2047. That was the night of the 8th?—Yes, the following night.

2048. It was the night of the 8th and the morning of the 9th?—Yes. At half-past 2 we went to the station to be in good time for the 3 o'clock special train, but there were 300 other people like us and there was only one wicket for the tickets, so we had to take a queue and at 3 o'clock, when the train started, there were about 100 people in front of us. It was very hot; there was a glass roof to the station and one woman fainted. My wife had to carry the baby all the time and I had to take charge of the other two. About half past 4 or 5 o'clock we managed to get to the wicket. We were asked again our name, our nationality, where we came from, where we were going to, and finally I got five tickets, but of course it was too late for the 3 o'clock special, so we had to wait for the next train which was half past 8 or 9 o'clock in the evening. We could not get any more accommodation in the hotel. They told us we ought to have gone by the train, so we had to wait in the station. At half-past eight, hungry and tired, we managed to get some seats in a third class compartment which was soon full, and by that time my wife was so exhausted that the sight of her caused the Irish guard to take pity on us and move us to a first class compartment free of charge. We had a little more room, but still there were other passengers and my wife in order to sleep had to lie down on the floor of the carriage. We reached Dublin about 4 in the morning after a cold and tiring night. There was no one to meet us; no orders given for conveyances to carry us from one station to the other, and we had to tramp the whole way with the three children, and it is a long way to go at 4 o'clock in the morning and hungry. We managed to tramp the whole way and while I put my wife and the children in the waiting room of the other station I went out to try and get some money by hook or crook. I happily met a French gentleman outside the station and on telling him how matters stood he gave me the necessary money for eating. We went to the Grosvenor Hotel just outside the station. It was about 5 in the morning then. We had a single room with two beds from 5 to about 8 in the morning; one egg each, five cups of tea, bread and butter for the sum of 14s. 6d.; and they knew we were survivors of the "Lusitania."

2049. Is this a charge against the Cunard Company or against the hotel keeper?—I made a charge

casually against the hotel, but the main charge is against the Company for not seeing to us after the wreck. After that we took a train for the boat and we were treated at last to a cup of coffee and a sandwich while being shunted at Holyhead. That is all we had for one day and a half after the wreck. We reached Birmingham at 7 o'clock the following evening, two days and two nights without any help from the Cunard Company in the condition in which we were.

2050. Were you two days and two nights getting from Holyhead to Birmingham?—Including waiting in Queenstown.

2051. You mean two days and two nights coming from Queenstown?—Yes, from Queenstown to Birmingham, and we were still penniless in Birmingham and for all the Company knew we might have been starved to death long before they troubled about us even in Birmingham, but thanks to the kindness of the Lord Mayor of Birmingham our first needs were attended to until we could communicate with our friends. I wish to speak in the name of all the other passengers, but specially in the name of five passengers at least. I wish to express my disgust at the Company taking us by false pretences in New York. They still advertised the record speed of the boat was 4 days, 19 hours, and I came from Canada to New York for the special purpose of taking a fast boat in preference to an American boat. They also gave us a captain and cook who were not competent and material which was not fit to eat. I do not know anything about nautical ability. I daresay the captain had all the knowledge required, but as far as war strategy is concerned he has proved himself a hopeless failure, and I can give your Lordship material to back my opinion. We had only five rowlocks in the boat. We had plenty of oars but no rowlocks. We had a mast but no sail. We had a boat which was leaking, and we had to take a pail and my wife's shoes to empty the water from the boat. There is another point to which I want to call your Lordship's attention. We escaped in lifeboat No. 21. I took that boat because it was the only one within my sight where there were members of the crew to lower it. The next boat to us upset the passengers into the water. That was on the starboard side. We were 63 in our boat, and after rowing for about 5 or 10 minutes we sighted another lifeboat some distance away. We thought it was a fisherman's boat, because it was pretty far from us, but we could not catch it, so we came to the conclusion that it was another lifeboat going away from the "Lusitania," and later on when we were rescued by a fishing smack our suppositions were certain, because we caught up the boat and found in it about 18 or 20 members of the crew, mostly stewards or firemen, and no women. We were so indignant that I, with others, shouted "Where are the women in your boat?" They had taken every opportunity to sail away as quickly as they could without troubling to gather more people, and there were plenty to gather. The number in that boat was 19.

Mr. Cotter: My Lord, with your permission I should like to ask this witness some questions, because I happened to be in Queenstown at the time he is talking about and some of his statements I do not want to go unchallenged.

The Commissioner: By all means.

Examined by MR. COTTER.

2052. Where were you when the ship was struck by the torpedo?—In the second-class dining-room. I can show you the very seat if you have a map of it.

2053. It is in the after part of the ship, is it not?—That is right.

2054. And it would be over the turbines of the ship?—I do not know that. I could not tell you. I do not know where the turbines were.

2055. The ship was driven by turbines?—I know that.

2056. You state that you thought that some ammunition caused a second explosion?—In my opinion, yes.

2057. Have you ever been in the vicinity of a steam pipe when it has burst?—Yes. I know what a steam pipe explosion is and a boiler explosion is.

2058. The effect of a steam pipe exploding at high pressure would give a rattling sound, would it not?—Yes, but not anything of the magnitude of that one.

2059. Where did you go to after the ship was struck?—I took hold of one child under each arm, my wife took the baby, and we made with all speed for the lifeboat because I knew what was coming, and that is why I am here now.

2060. How did you know what was coming?—By the nature of the explosion. I was surprised we lasted for 18 minutes.

1 July, 1915.]

MR. JOSEPH MARICHAL.

[Continued.]

2061. Did you go up the main companion way from the second cabin; had the ship listed at the time?—Very badly after the second explosion.

2062. She had a list which would make it difficult to get up the staircase?—Yes.

2063. Did you hear any orders given?—Yes. An order had been given both in the dining-room and on deck which I forgot to mention. I heard a shout "Come for the mails"—the letters. The stewards were called to take care of the mails.

2064. "Come for the mails"—the letters?—Yes, in the dining-room and on the deck, and that was confirmed in our lifeboat by one of the firemen.

2065. Somebody called out "Come for the mails"?—Some stewards called out in the dining-room—yes—"Attend to the mails." That is what I heard with my own ears and my wife can corroborate it.

2066. Are you quite sure they did not say "Attend to the females"?—Not quite.

2067. *The Commissioner*: But are you sure?—Quite sure.

2068. *Mr. Cotter*: I put it to you as a rational being, would anybody ask for someone to come and carry letters when the ship had been struck by a torpedo?—I thought it funny at the time.

2069. Do you think it funny now?—Yes.

2070. Do you not think it is ridiculous?—On the part of the one who said it, yes.

2071. *The Commissioner*: I notice you do not speak English with a very strong English accent, and what I am thinking of is this: was it possible for you to misunderstand what was said?—No, my Lord. I understand English very well. I have been for 12 years in an English speaking country.

2072. *Mr. Cotter*: I put it that it is quite possible you made a mistake on this occasion?—The mistake would not be likely, and my wife heard the same.

2073. Is your wife here?—No, but she can be brought if you like although she is an invalid.

2074. Is your wife French?—No, she is English; born of English parents.

2075. When you got up to the boat deck did you see any of the crew there?—Only three. Two were standing at the middle boat, one at each rope, and that is the reason why I chose that boat.

2076. On which side?—On the starboard side.

2077. No. 21 would be at the after end of the ship, would it not—above the second-cabin smoke room?—Approximately, yes. You asked me how many members of the crew I saw; I said three—two at the boat and the third rushed past my wife with a life-belt on, and on being asked by my wife to assist her, he gave her a push and gave her a black arm.

2078. Were there any women and children in the boat you got into?—It was full. I can tell you exactly how many there were. There were 63, including some we picked up from the water. There were 54 there when we got in.

2079. Were there any women and children on the deck?—At the very beginning, yes, but the upset of one of the lifeboats seemed to frighten them away.

2080. Did you leave any women and children on the deck when your boat left?—No.

2081. Had you any difficulty in getting into your boat with your wife and children?—The boat was rather far from the ship and I had fear that the baby who was thrown might not be caught, but it was caught, thank God.

2082. That was caused by the ship having such a list?—Yes, and by the lifeboat not being fastened to the ship.

2083. When you got to the water you said there was a boat ahead of you somewhere?—Yes, and we wanted to get into that boat.

2084. You wanted to get into that boat?—Yes. Do you want the reason? I had put my wife and the baby into the middle lifeboat and I thought the three children would be too much for her because she was not well. I wanted to go with the other two children in the other boat and I was going to it when it upset and all the occupants were thrown into the water.

2085. Where were they upset—on the davits?—On the davits. The rope was rotten.

2086. How do you know the rope was rotten?—Because it broke.

2087. But there are other reasons why a rope should break?—Well, ours did not break.

2088. Have you heard the evidence here that one boat was lowered with 80 people in it?—I have read the whole of the evidence, yes. The fact that one rope is good does not affect the quality of the other.

2089. I think you are a gentleman with a grievance?—Certainly, a strong grievance against the Company.

2090. You stated that when you got to Queens-town you were not treated very courteously by the Company. I hold no brief for the Cunard Company in this matter, but I happened to be on the spot. Is not Queenstown a very small place?—I did not see much of it. I could not form an exactly accurate estimate of it. I only saw the Rob Roy Hotel, the Company's Office and the station.

2091. For 600 or 700 people to be rushed into such a place, would it not make things awkward?—There would be an objection to that.

2092. I ask you the question: If 600 or 700 people were rushed into a small place like Queenstown—We were not 600 or 700 people. We were in the first boat, and there were hardly 100 people, and there would be no difficulty in getting accommodation.

The Commissioner: I suppose there were other people came up afterwards?

2093. *Mr. Cotter*: Were there not 600 or 700 people saved?—Not that.

2094. But you were not the only people saved?—There was only 100 at that time.

2095. Would it surprise you to know that the officials of the Cunard Company were working all night for two nights without leaving the office?—Not for the comfort of the passengers.

2096. Would it surprise you to know that they were at the office for two nights?—Not a bit, if you say so.

2097. Because you said the office was not open till 9 o'clock?—It was not open to passengers.

2098. I suggest to you it was open to anybody any moment day and night?—I say it is not correct.

2099. And you also complained about going to the train?—Yes.

2100. I suggest to you that you could have gone into the train an hour before if you had liked?—No, we were told we had to have a ticket for getting into the train.

The Commissioner: I do not think the story about the train has anything to do with it.

Mr. Cotter: But I want to clear the air, my Lord, because this gentleman has made a general statement about the crew, the company, and everybody else, and he seems to have a grievance. I do not know what effect it may have on the Inquiry, but I do not want it to get into the press that what he says are facts. I am asking the question because I was in Queenstown at the time and had something to do with the trains which brought the survivors away.

Examined by MR. DONALD MACMASTER.

2101. You came from Canada, I understand?—Yes.

2102. Were there many Canadian passengers on this boat?—I believe so.

2103. I understand there were 353 Canadian passengers?—I have no exact information, but I know there were many Canadians.

2104. I understand you are speaking for yourself as to these grievances; you are not speaking for the mass of passengers?—I am speaking for five passengers only.

2105. I call your attention to that, because I represent here the Canadian Government, who have an interest in the Canadian passengers, and my instructions are that the passengers were fairly well looked after after the accident occurred. I want to call your attention to that?—Well, that was not my experience.

2106. You were in an infantry regiment in France?—Yes.

2107. You had nothing to do with explosives?—Yes, I had in camps, and so on.

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MR. JOSEPH MARICHAL.

[Continued.]

2108. But you have no knowledge of anything of an explosive character being on board this boat?—Nothing, except from hearing.

2109. Are you aware that it was established before my Lord here that there was evidence of a second torpedo?—It was the second torpedo which caused the terrific explosion I have spoken of.

2110. Will you tell me what part of France you came from?—The eastern part of France.

2111. On the border—Alsace?—No, near Switzerland.

2112. Was it in Alsace or Lorraine?—No; that is not French, unfortunately.

2113. No, not at that time. It was on the borders of Switzerland?—Not far—one hour's railway journey.

Examined by MR. BUTLER ASPINALL.

2120. Were you here on the last day when this Inquiry was being held?—Yes.

2121. And if my recollection serves me rightly his Lordship said "Does anybody now want to come into the box and give a statement," and thereupon a gentleman did come and give a statement. Now you were here?—No, I was not all day. You mean the last day?

2122. Yes, I thought you said you were?—I was here the last day of the Inquiry, but that was on a Friday, and his Lordship did not ask the question.

2123. *The Commissioner*: That was on the Friday, the last day we sat in Camera?—I was right. I am always right when I make a statement.

2124. *Mr. Butler Aspinall*: Were you here on the Thursday?—No. I can tell you why if you wish me to.

2125. No. I really do not want to know. Is it since we last sat that you have told the Board of Trade you were desirous of being called?—No. I did before-hand send a wire saying that I was anxious to appear long before the end of the previous Inquiry, and I got a letter in reply stating that my evidence had been considered along with that of other passengers, and they considered it would be necessary to call me; and relying on that I kept quiet in Birmingham, because I could not afford fares to London. I thought I would wait until I was called by a wire or a letter. Neither wire nor letter came. The only thing I heard was through the newspapers that the Inquiry had been concluded; so I was not going to let the matter rest at that.

2126. *The Commissioner*: You were in London, I understand, on the last day of the sitting?—On the Friday.

2127. That was the last day of the sitting?—I tried to send a communication to your Lordship on that day, but I was too late.

2128. *Mr. Butler Aspinall*: As you have said, you kept quiet at first. You said you were in Birmingham, and you kept quiet?—Yes.

2129. Am I right in saying that you are making a claim upon the Company?—I am making a claim either against the Company or against Germany, whoever it is who will have to pay what I have lost.

2130. *The Commissioner*: But which is it. I should like to know?—Whoever is found guilty by your Lordship.

2131. Have you sent in a claim to the Company?—Yes, but the Company deny liability.

2132. Have you sent in a claim to Germany?—No, but I have sent one to the French Foreign Office.

2133. That is another matter. You have sent a claim to the Company?—Yes.

2134. *Mr. Butler Aspinall*: Did you tell Mr. Booth this: that unless he made some immediate allowance on account, you would have "the unpleasant duty to claim publicly, and, in doing so, to produce evidence which will certainly not be to the credit either of your Company or of the Admiralty"?—Yes, and I have done so now.

2135. Did you intend to keep your mouth closed if Mr. Booth had made you an immediate allowance?—Oh, no.

2136. It reads like that, does it not?—Oh, no.

2114. *The Commissioner*: What is the nearest town to where you come from?—Vezun.

2115. What was the nearest town in Alsace?—Belvoir.

2116. *Mr. Macmaster*: That is where the great fortress is, is it not?—Yes.

2117. Did you send anything to the press with regard to your misfortunes?—No, I should not do that while the matter was the subject of inquiry.

2118. I mean, up to this time you have done nothing of the kind?—Not yet.

2119. *The Commissioner*: You intend to, I rather gather?—It depends on the result of the Inquiry, my Lord.

The Commissioner: Now, be careful. You say you are always accurate, and I suppose you are always truthful. Listen to that again.

2137. *Mr. Butler Aspinall*: This is a letter from you to Mr. Booth in an envelope marked "Private and urgent." "The French Foreign Office will formulate a definite claim before long, but I must ask you to make some immediate allowance on account, or else I shall have the unpleasant duty to claim publicly, and, in doing so, to produce evidence which will certainly not be to the credit either of your Company or of the Admiralty." You wrote that, did you not?—Quite so.

2138. What did you mean by it?—It was meant for this reason: That if I was not called by the Board of Trade, then, if my claim was not paid, I should come forward of my own accord and push it through.

2139. *The Commissioner*: No. What that letter says is this: Pay me some money or I will do this and that. That is the point you know.—It is misunderstood, my Lord.

2139A. But read it again and let us see if we do misunderstand it.

Mr. Butler Aspinall: "The French Foreign Office will formulate a definite claim before long, but I must ask you to make some immediate allowance on account, or else I shall have the unpleasant duty to claim publicly, and, in doing so, to produce evidence which will certainly not be to the credit either of your Company or of the Admiralty."

2140. *The Commissioner*: Now, you told me just now, that you were a good English scholar. What does that "or else" mean?—It meant that I should have to have an action against the Company.

2141. Does it not mean this, that if you do not get money you will say something against the Company?—No, my Lord, it means I would take an action against the Company, apart from this Inquiry.

2142. Am I to understand that if you had got the money you would have done this all the same?—I should have spoken in the Inquiry.

2143. Just as you have spoken to-day?—Exactly.

2144. I am very sorry to say, but I do say it, that I do not believe you?—I am sorry, my Lord, for you. It is the first time I have been told such a thing in my life.

2145. I am very sorry it is told you, but I do not believe you. If you tell me that that language does not mean that you wanted money in order to keep your mouth closed, I say I do not believe you?—That is your misfortune; but it did not mean that. I meant that I should take action against the Company immediately, and should produce more evidence. I have some more evidence.

2146. *Mr. Butler Aspinall*: May I call this to your notice, that not only do you say you will "produce evidence which will certainly not be to your credit," but you also say "or of the Admiralty"?—Yes.

2147. Did you think when you wrote this letter that you could give useful evidence to my Lord at this Inquiry?—In connection with that?

2148. In connection with the disaster?—I knew I could give the evidence I have given.

2149. Useful evidence which would throw a light on the disaster?—I think it is useful evidence.

2150. But, nevertheless, am I not right in saying that if Mr. Booth had made you some immediate

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allowance on account, you would have kept your mouth shut?—I should not have started—

2151. *The Commissioner*: Answer the question.—I should not have kept my mouth shut in this Inquiry. I hope that is plain.

2151A. *Mr. Butler Aspinall*: Your language is plain, is it not. Do you think you have failed?—No.

2152. Nor do I.—If you give a dog a black name you drown him. You have tried to do so with all the other witnesses. It is shameful the way you have treated witnesses here.

(*The Witness withdrew.*)

MR. ALBERT LASLETT, recalled.

Further examined by MR. BRANSON.

The Solicitor-General: This is on the fixings and fastenings of the boats and the closing of the bulkhead doors.

2155. *Mr. Branson (to the Witness)*: I think you produce a blue print showing the way in which these boats were carried on board the "Lusitania"?—Yes.

The Commissioner: Which boats are you talking about when you say "these boats"?—

Mr. Branson: I mean the deck lifeboats and the pontoon lifeboats.

Witness: Yes, particularly the chamber boats.

2156. Can you tell us the number of the boats. Was it 1 to 20 which had chamber boats underneath them?—From 1 to 8, and from 15 to 20.

2157. Are those the numbers to which this plan applies?—Yes.

2158. Will you explain to his Lordship, by reference to the blue print or plan, how the boats were arranged the last time you saw the ship?—

2159. *The Commissioner*: Is the blue plan the same as the sketch you have handed to me?—Yes, it is a photograph of that. The upper boat was carried on a single inside chock, the gear resting upon the lower portion of that chock, and the chock itself was carried on a T bar, shown in the sketch as supported by two stanchions. The lower boat was laid upon a chock secured to an athwart-ship piece, a flat skid, on the deck; and the inboard stanchion was secured on the lower skid piece—bolted to it.

2160. *Mr. Branson*: The lower skid piece, I gather, was not bolted to the deck?—The lower skid piece was not bolted to the deck.

2161. Did the lower skid piece lie on the deck with its outer end against the gunwale bar of the ship?—It did. That prevented the skid from moving outboard.

2162. How was the skid prevented from moving inboard?—It was prevented coming inboard by taking a turn of a lashing through the ring-bolt provided for the gripes, which is shewn alongside, and round the stanchion. That was arranged in lieu of the bolts.

2163. *The Commissioner*: Just explain that again.—The skid could not move outboard.

2164. I understand that; but about inboard?—It could not move inboard if a turn of lashing was taken through the ring-bolt shewn in the side elevation, and round the inboard stanchion.

2165. Where is the ringbolt?—Within a few inches of the skid.

2166. But is it attached to the bolt, or is it attached to something else?—The ringbolt is bolted to the deck with bolts going through.

Mr. Branson: If your Lordship looks at the left hand diagram you see a bolt apparently going through the deck.

The Commissioner: I see it goes right through the deck.

Witness: Yes. it is bolted right through the deck, with a washer underneath.

Mr. Branson: Then its position relative to the stanchion is shewn in the right hand sketch. Your Lordship sees the other view of the ringbolt.

2167. *The Commissioner*: Did these ropes exist?—They did at the time of survey.

2153. Do you suggest that I have not treated you properly? Do not be cross with me.—I say it is shameful the way the witnesses have been treated here.

2154. Are you certain that you have got the number of the boat right in which you say you were saved?—What I can say, and what I have said in my statement is, that of the two boats, the one in which we were saved and the boat of cowards, the numbers were 19 and 21; but I cannot say more. I may have made a mistake which is which, but 19 and 21 were the numbers of our boat and the boat of the cowards.

2168. And in the ordinary course would they be so placed as to prevent the skid from moving inboard?—Yes.

2169. They would?—They would.

2170. *Mr. Branson*: You have been talking of the skid. Do you mean the chock?—The chock is the upper piece. The skid is on the deck itself and the chock is the portion which fits the bolt.

2171. The chock and the skid are both together?—Yes.

2172. *The Commissioner*: Do you see the main lifeboat on the sketch?—Yes, my Lord.

2173. It is above the collapsible boat?—Yes.

2174. Do you see the piece of wood, I suppose it is, which has got marked at the end of it "drop-nose pin"?—That is a T-bar, a piece of steel bar with the section of a T.

2175. Would that have to be removed before a collapsible boat could be moved?—It should, by withdrawing those two drop-nose pins marked D and E, and then lifting off from the two stanchion beads.

2176. Then those two drop-nose pins have to be withdrawn?—Yes.

2177. And then when the drop-nose pins are withdrawn has the steel T-bar to be lifted away?—Yes, two men can lift it quite easily. One could, as a matter of fact.

2178. How long do you say it takes to take out the two pins and remove the bar?—One to two minutes at the outside.

2179. Then when that is done is the collapsible boat free?—With the exception of the inside gripes. In this case there were lashings from the eye bolt or ring bolt at the side of the boat.

2180. Those are the lashings you have been talking about?—No, those are vertical lashings. The lashing I referred to at first was to keep the skid and chocks and the boat on them from moving inboard if the vessel rolled.

2181. What are the other lashings?—To keep the boat down in the chocks in heavy weather.

2182. Where are those lashings?—From the ring bolts shown on the gunwale right hand side of the lower bolt to the deck, which is the same ring bolt I referred to before.

2183. How long would it take to clear a bolt of that lashing?—In case of emergency it could be cut.

2184. But if you did not cut it?—Probably a minute, or two minutes at the outside.

2185. How long do you say it would take altogether to free a collapsible boat?—Not more, I think, than four minutes. It would, of course, also depend on the number of men employed; but two men on each set of chocks could do it comfortably in four minutes.

2186. *Mr. Branson*: As I understand it, this plan shows the chocking at one end or other of the boat, and there would be a similar set of chocks at the other end of the boat?—Yes.

The Commissioner: Can you tell me, Mr. Branson, whether there is any evidence that these collapsible boats were loosened?

Mr. Branson: I think there is some evidence that some persons busied themselves about loosening as many as they could.

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The Commissioner: That is to say, there are expressions used in the evidence?

Mr. Branson: Yes.

The Commissioner: I have seen them, but can you refer me to them?

Mr. Branson: I think there is some evidence on pages 42 and 43, when Mr. Robertson, the carpenter, was being examined. It begins at Question 1503, where he deals with the position before the occurrence.

The Commissioner: Let me read it. "Perhaps you can tell me whether at any time before the ship was struck the portable skids were removed." That is the portable skid you have been talking about?

Mr. Branson: Yes.

The Commissioner: "(A.) No. (Q.) I mean the skids that keep the semi-collapsible lifeboats in their place?—(A.) No, that is only a minute's work; it is not necessary. (Q.) I am asking you, were they removed as a fact?—(A.) No. (Q.) If they had been removed could not the semi-collapsible lifeboats have easily fallen themselves automatically into the sea?—(A.) Even if the skids were not removed, they would still fall into the sea." That is so, is it?

Mr. Branson: (To the Witness.) Is that correct?—Providing these lashings were not in place.

The Commissioner: That is what occurred to me. If the lashings were loosened, then what the witness says is right.

Witness: Yes.

2187. Then the evidence I want and the evidence I have in my mind is to the effect that they were loosened?—The lashings may not have been on.

Mr. Branson: They speak of gripes.

The Commissioner: Are gripes and lashings the same thing?

Witness: In this case they happened to be so, for the lowering of the boats.

The Commissioner: Do you find anything else about it?

Mr. Branson: Yes, at Question 1536, my Lord.

The Commissioner: Let me read it: "Were any of them" (I suppose that means the collapsible boats) "tied down?—Yes, they were tied down with gripes. (Q.) Should those have been removed?—(A.) No, because if the ship rolled the boats would be all over the deck." That is right enough; that is when the boats are not wanted. "What I suggest is, right or wrong, that when you came within the danger zone, what I may call the war zone, would it not have been proper to loose those collapsible boats, so that in the event of the ship being struck they could be easily floated?—(A.) I do not think so; because you might do as much damage to the passengers by loosening the boats as otherwise. (Q.) At all events they were not loose?—(A.) No, that is the aft boats."

Mr. Branson: Then the carpenter begins to talk about the aft boats 22A to 22E. Can you tell the Court how these boats were fixed?

Witness: The first one 22A, was beneath an open boat. The general arrangement was something similar to this plan here, but the whole of the arrangement was further inboard, with the result that double stanchions were built, fitted one on the inboard side of the lower boat and one on the outboard side. They were collapsible and could be released in exactly the same way. The other four boats were carried in pairs of trolleys, and all that was necessary to free those was to release the gripes, which could have been done in a minute.

2188. Supposing the gripes had been released, could the boats have moved in a sea way, or anything of the sort?—I do not think so unless it was very violent.

2189. *The Commissioner:* Then, you do not agree with this witness?—I do agree with him in the main, my Lord.

The Commissioner: I thought this witness said it would not be wise to remove the gripes, because the boats might injure the passengers.

Witness: I think he was referring there to the boats we were discussing first, the chamber boats.

2190. *Mr. Branson:* If he meant his answer to apply to all the boats except Nos. 22B to 22E, you would agree with him?—Yes.

2191. But you do not agree if he intended to apply it to boats 22B to 22E?—No.

2192. *The Commissioner:* Where is 22E on the little sketch I have of the lifeboats?—22E is the bottom boat of the pair right aft on the port side.

2193. It is marked here 22B.

Mr. Branson: Will your Lordship let the witness see the sketch? (The same was handed to the witness.)

Witness: This is a misprint, my Lord.

The Commissioner: Then will you alter it and make it right. I have not got yet, Mr. Branson, what I want. Perhaps the reason why is, that it does not exist; but I have an idea in my head that somebody said that the lashings of these collapsible boats were loosened, not before the calamity but after.

Mr. Branson: I think there is some such evidence, but I have no note of it. My learned friend refers me to Question 1652, where the carpenter was asked, "Were you yourself attempting to loose some of these collapsible boats," and his answer is "Yes, I loosened them all on the port side."

The Commissioner: That is what I have been thinking about. Is there any evidence that they were loosened on the starboard side?

Mr. Butler Aspinall: Yes, my Lord. The next question is some evidence, but not much.

Mr. Branson: The question is "Before you were washed into the sea yourself?—(A.) I loosened them all on the port side and then went for my lifebelt, and when I came up I noticed one of the boats, 21E, on the starboard side, still fast."

The Commissioner: That is the evidence I wanted.

Mr. Branson: "I loosened that, and I was busy at that when I was washed into the sea, or slipped into the sea."

The Commissioner: Now, I want to know what was the use of loosening the collapsible boats on the port side?

Mr. Branson: The use, I suggest, is that these boats are really in the nature of life rafts so that, however they get in the water, they are there for people who are thrown into the water to climb on to.

The Commissioner: You mean by that, that unlike the ordinary lifeboat, they will not damage themselves in getting down the port side and into the water?

Mr. Branson: I should not be prepared to say that. If they were loose on deck when the ship sunk they would float off—that is my suggestion.

The Commissioner: That is enough.

2194. *Mr. Branson:* That is my suggestion, my Lord. (To the Witness.) Supposing these collapsible boats were left on deck with the skids on, would they be as efficient for saving life after the ship had gone down as if the skids had been removed?—Not quite. They would have the weight of the ironwork and stanchions upon them.

2195. Would it be necessary for the people who struggled on to them out of the water to clear the skids off them before they could get the covers off and use the boats?—Yes, it would.

The Commissioner: What is the evidence that the skids were removed?

Mr. Branson: The evidence is that up to the time of the occurrence the skids were not removed.

The Commissioner: I know that, but after the occurrence?

Mr. Branson: After the occurrence I think it is very vague. The best evidence I can refer your Lordship to is that of the carpenter. He is here, and can be recalled if your Lordship wants it more in detail.

The Commissioner: I think he had better be recalled then.

Mr. Branson: He shall be recalled. I think this witness can give some general evidence as to which bulkhead doors would properly be left open for the working of the ship.

The Commissioner: I do not think that is material because, as I understand the evidence at present, orders were given before the torpedo struck the ship, and some considerable time before, that all the bulkhead doors except those necessary for working the ship should be closed, and I believe at present that that order was carried out. Do you want anything more?

Mr. Branson: No, I do not think we do, but I was not quite sure what was in your Lordship's mind

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about the bulkhead doors, so I mention the fact that Mr. Laslett could give the evidence if you desire it,

but in view of what your Lordship has said I do not think it will assist us.

Examined by MR. COTTER.

2196. Do you remember after the "Titanic" Inquiry rafts being put on board the "Lusitania"?—I do.

2197. How many were put on board?—Speaking from memory, I think it was 34.

2198. Where were they fixed?—They were stowed on the top of the centre line house on the promenade deck and on the top of the smoke-room on the second cabin deck and a few at the after end, I think, of the second cabin deck itself.

2199. Where they placed in such a position that they could have been immediately released in case of disaster?—Yes, they were to the best of our ability.

2200. When were they removed?—They have been gradually replaced by boats. I do not think there has been any general removal. They disappeared finally, I think, at the beginning of this year.

2201. Who ordered them to be removed?—Nobody that I know of.

2202. Was it the Company or the Board of Trade I mean?—Not the Board of Trade.

2203. Do you believe that these rafts are useful in case of disaster?—Certainly, if they get clear. Anything that floats is useful in a time like that.

2204. Would you prefer rafts on board a ship like the "Lusitania" in case of an accident of this description to collapsible boats?—I would not.

2205. You would prefer the collapsible boats?—Certainly.

2206. Can you tell us on what deck the main dining saloon was?—On two decks?

2207. I mean the main dining saloon?—"D" deck, I think—"C" and "D" decks.

2208. Can you tell his Lordship how many ports there are along that deck?—I could not.

2209. Approximately?—I really could not say; probably a dozen.

2210. I mean along the whole ship's side?—I really could not say. I have never even estimated them.

2211. Did you know the "Lusitania" well as far as the inside was concerned. Is it not a fact that forward are the third class dining rooms and bedrooms?—Yes.

2212. And when you get to the first funnel you get the first class state rooms?—Yes, I think so.

2213. Further on the main dining room?—Yes. I think there are rooms in between.

2214. Then the pantry?—Yes.

2215. The galley?—Yes.

2216. Then the second class accommodation?—Yes.

2217. I suggest to you that right along that deck there would be close upon 100 ports?—There would be probably 70 or 80 on each side I should think.

2218. And if those ports were opened and the ship took a list to starboard, water coming in those ports would have a big effect in keeping her over on that side?—Yes, undoubtedly.

Mr. Cotter: My Lord, there has been no evidence called about these ports.

The Commissioner: My recollection is that there is evidence that the ports were closed.

Mr. Cotter: In one or two places.

The Commissioner: I do not know about in one or two places. There is the evidence of some man who was in the water who says he tried to catch hold of an open port, but I am very strongly of opinion that he did not.

Mr. Cotter: Yes, there is evidence that some of the second ports were closed, but I have some witnesses.

The Commissioner: Have you your mind upon the evidence about the ports?

Mr. Cotter: I have, my Lord.

The Commissioner: Then I wish you would refer me to it if you can.

Mr. Cotter: But what I am trying to get at is that those ports were open and when she was struck they were not closed.

The Commissioner: My impression at present is that all the ports that were of any consequence were ordered to be closed soon after the ship got into the danger zone.

Mr. Cotter: Unfortunately, I have evidence the other way, which has not been called by the Board of Trade.

The Commissioner: But can you refer me to the evidence.

Mr. Cotter: The evidence is not here, my Lord.

The Commissioner: I mean in print.

The Solicitor-General: On page 26, Question 907, there is some partial evidence given by the first officer, Mr. Jones.

The Commissioner: "What was that?—(A.) I said if any ports were open to try and close them immediately."

The Solicitor-General: Yes, those are the orders he gave before he went to the hoat deck and as he left the saloon.

The Commissioner: Yes. "Did you yourself see whether any ports were open or not?—(A.) I did not see any open, all that I saw were shut." Then at Question 993, and it is a question which you put, Mr. Cotter: "Do you know if there were any ports open in the dining room when you were in the dining room?—(A.) No, I did not see any. All the ports which I observed with my own eyes were shut, but as a precaution I gave this order—not that I knew the ports were open." That means this: "I did not believe any ports were open, but by way of precaution I gave the order after the striking of the torpedo that all of them should be shut."

Mr. Cotter: There is no evidence that the order was carried out.

The Commissioner: No, but I assume—you cannot have the complete chain, I know—unless there is some evidence to the contrary, when an order is given by a person in authority to a person who ought to obey it, that it is carried out.

Mr. Cotter: But if four witnesses had been called who could have been called by the Board of Trade it would have cleared this up. There was a man who was in the third class part of the ship, a man in a first class stateroom, a man in the dining room, and a man in the galley, who would have cleared it up.

The Commissioner: Are you talking now about members of the crew?

Mr. Cotter: Yes, whose duty it would have been to close those ports.

The Commissioner: That I know nothing about.

Mr. Cotter: I am suggesting now that the majority of those ports were open when she was struck.

The Commissioner: That is not my view at present. I may be wrong.

Mr. Cotter: I suggest that if 60 ports were open, and those ports are 15 to 18 inches in diameter—

The Commissioner: I quite understand that if those ports were open and the ship took a list to the side on which they were open, it would be vital thing indeed.

Mr. Cotter: And it is the fact that ports are open, especially in warm weather.

The Commissioner: My notion is that the great bulk of the water came in through the hole made by the torpedo. The list, you will remember, was instantaneous; that is to say in about ten seconds.

Mr. Cotter: But my suggestion is that when the list did take place, the water going into those ports made it worse, and if they had been closed, she might have got back on an even keel.

Mr. Clem Edwards: I am rather reluctant, after what your Lordship has said was in your Lordship's mind about the effect of the evidence on the bulkhead doors, to ask this witness any questions; but the evidence, I submit, is not clear that the bulkhead doors were in fact closed.

The Commissioner: I rather agree with you; but the effect of it upon my mind is to satisfy me that they were closed.

Mr. Clem Edwards: It only stands in this way, my Lord, that the captain evidently thought it was necessary after the calamity to give certain instructions. The evidence goes no further than that on the morning of the day of the calamity when the captain understood that he had reached the danger zone he

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gave instructions for the watertight doors to be closed. He assumed that they were closed in one part of his evidence, but after the torpedo struck the ship he gave further instructions to see that the watertight doors were closed, and he gave those instructions to Captain Anderson. He does not know whether those instructions were or were not carried out.

The Commissioner: You know if the watertight doors were already closed, the orders to close them were unnecessary.

Mr. Clem Edwards: Quite, my Lord.

The Commissioner: Let us read the evidence.

Mr. Clem Edwards: May I put my other point, and then I will refer your Lordship to the evidence. The carpenter, in reply to questions—

The Commissioner: But will not you take the captain before you take the carpenter. His evidence is on page 7, question 152: "When did you issue any orders with regard to bulkhead doors?"—(A.) I issued those earlier in the morning. (Q.) I mean after the ship was struck?—(A.) All the bulkhead doors were closed. (Q.) Did you order them to be closed?—(A.) Yes. (Q.) Do you know whether they were closed as a matter of fact?—(A.) It was reported to me that they were. (Q.) By whom were they closed?—(A.) By those connected with each department, the steward's department." Now that is the captain's evidence.

Mr. Clem Edwards: Now will your Lordship look at the captain's evidence when he was recalled in reply to questions put by myself on page 45, at question 1656.

The Commissioner: "Did you give any instructions at all to see that the watertight doors were all closed?"—(A.) I gave that order in the morning, and it was reported to me that the order had been carried out."

Mr. Clem Edwards: Then "After the torpedo had struck the ship did you give any order at all with regard to the watertight doors?"

The Commissioner: "(A.) The watertight doors and storelight doors were closed from the bridge immediately by second officer Heppert." Those were the doors which were open of necessity to work the ship.

Mr. Clem Edwards: "(Q.) That was after the torpedo had struck?"—(A.) When the torpedo was coming. He had strict orders to do that, from me, if he saw anything of the kind coming. (Q.) Do all the watertight doors close automatically from the bridge?"—(A.) No, only in the engine room. (Q.) How are the other watertight doors closed?"—(A.) By hand. (Q.) Did you give any instructions that those which are closed by hand should be closed, after the torpedo had struck the ship?"—(A.) No, I did not."

The Commissioner: But go on, please.

Mr. Clem Edwards: "Orders were given in the morning to close all bulkhead doors as far as possible."

The Commissioner: Yes, that is what I was saying.

Mr. Clem Edwards: Then, "If watertight doors can be closed by hand, watertight doors can be opened by hand, can they not?"—(A.) Naturally, if they are not jammed. (Q.) And they were ordered to be closed in the morning, on the off-chance that something might happen?"—(A.) That is right. (Q.) Do not you think, as the responsible officer of the ship, that when something had happened there ought to have been definite instructions to go and see that all the watertight doors were closed?"—(A.) Orders had been given before that, if anything did happen, to see that they were closed. (Q.) But you do not know whether the officer carried them out?"—(A.) I do not know, but I presume they were, from what Mr. Jones says."

The Commissioner: And so do I.

Mr. Clem Edwards: That may be, my Lord. I am only on the effect of the evidence. If your Lordship is satisfied—

The Commissioner: And the more you read the evidence the more satisfied I am that those doors were closed.

Mr. Clem Edwards: There is no positive evidence, my Lord, that they were closed.

The Commissioner: My attention is drawn to question 1032, in the evidence of Mr. Jones, the first officer: "(Q.) Before you left the ship do you know

whether anything had been done about the watertight doors?"—(A.) I do. (Q.) What do you know about that?"—(A.) When I reached the boat deck I met the carpenter's yeoman, who had just come up from below, and I asked him whether all the doors were shut down below, and he answered that everything was shut below. Those were the exact words we used to each other."

Mr. Clem Edwards: If your Lordship is satisfied on that evidence, I shall not pursue the matter further; but I should like to ask this witness two or three questions.

The Commissioner: Certainly.

2219. *Mr. Clem Edwards:* (To the Witness.) You are perfectly familiar with the construction of the "Lusitania"?—I am.

2220. How many watertight compartments could there be filled and she keep afloat?—I could not say absolutely. That was a question which was threshed out before the vessel was constructed, and it did not concern me during the annual surveys.

2221. Is there any official of the Board of Trade who would be able to state that?—I presume there would be.

2222. Who would be the official?—Some of the head officials of the Department would no doubt be able to answer that question.

2223. Can you give a name to them?—I am afraid it is not my province to mark out the work.

2224. I know; but you would know who, in the ordinary course, would be the official of the Board of Trade who would be familiar with the position and could answer the question?—We have a Naval Architects Department, and no doubt that would be the Department to deal with that.

2225. It would not concern you as the local surveyor in Liverpool?—It would not.

2226. Did you see either of the initial trips—the trial trips, of the "Lusitania"?—No.

2227. Do you know what time it would take for the "Lusitania" to turn half circle or quarter circle?—I have read the account, but I have really forgotten; I could not say.

2228. But as a surveyor that does not come within your province?—No.

2229. Is it not due to you, as surveyor, to see that there is a certificate granted?—I make a declaration.

2230. That is in the formal certificate. Is there no provision made for detailing the trials—answering to her helm, and so on?—Oh, no.

2231. You simply give a general certificate?—I give a detailed certificate, but that point is not dealt with. That is dealt with when the vessel is first built.

2232. Would there be any official of the Board of Trade who could tell what time it would take her to turn quarter circle?—I doubt it.

2233. That is one of the things that are tested, is it not, on the trial trip?—Yes.

2234. Is there not a Board of Trade record kept of that trial trip?—I daresay; I could not say. I was not present at the trip, so I cannot say what information they obtained.

2235. Have you ever been on a trial trip?—Yes.

2236. On that trial trip have you never had a record of the time it takes for a boat to turn quarter circle?—We have not taken those figures. If we considered the movements satisfactory we should not trouble about it.

2237. You would not make the exact record?—No.

2238. *The Commissioner:* You would not make the trial, I understand?—They do make turning trials to see how the vessel steers, but we do not take the times.

Mr. Branson: There are two other references to portholes which I may give your Lordship. One is on page 32, Question 1196, where Mr. Freeman, who was a second class passenger, went down as low as E deck. He says: "When I went to E deck it was in darkness owing to the electric light put out, apart from a little light, which came in from the portholes on the port side of the vessel. The starboard side was entirely in darkness. I did not realise at the time that the vessel was under water, but these portholes normally are just above the water-line. (Q.) Were they shut or open?"—(A.) They must have

1 July, 1915.]

MR. ROBERTSON.

[Continued.]

been shut because there was no water to be seen running in anywhere."

The Commissioner: That means that on the starboard side when he went in the ports were below the water, but the water was not coming in.

Mr. Cotter: That refers to deck E. I was talking about deck D. Deck E is practically on the water-line.

The Commissioner: Deck D is above deck E.

Mr. Cotter: Yes, and that is the one I am speaking about.

The Commissioner: On deck E the ports were all shut and no water was coming in.

Mr. Branson: Then there is one other reference, my Lord, at page 38, Questions 1337 to 1339.

The Commissioner: "Do you remember on the 7th May any orders being given as to closing the bulkhead door?—(A.) Yes. On the morning of 7th May the staff captain met me on the main companion way, C. deck, and said they wished the bulkhead doors to be closed, and also the ports, and he said he would go down and see it done himself. (Q.) Was that Captain Anderson?—(A.) Yes, Staff Captain Anderson."

Mr. Branson: Then "As far as you know were they closed at the time of the ship being struck?—(A.) I believe they were."

The Commissioner: Then at Question 1351 there is a question by Mr. Edwards. "Did I understand you to say that the watertight doors were closed before the torpedo struck the ship?—(A.) I said Captain Anderson gave orders and went down himself, and I understand he expressed himself afterwards as being perfectly satisfied that everything was tight on the E. deck."

Mr. Clem Edwards: That was in the morning, my Lord.

The Commissioner: Yes, in the morning, before the torpedoing.

Mr. Branson: Then there is a piece of evidence by a passenger on page 29, Question 1062, to which I ought to call your Lordship's attention.

MR. ROBERTSON re-called.

2239. *The Commissioner:* I do not want you to tell us what you hope was the case, or what you fancy was the case. I want you, as far as you can, to tell us what according to your observation really was the case. Now, can you tell me this: Did you see these collapsible boats sufficiently to enable you to say that when the ship sunk they would float?—I did, my Lord.

2240. *Mr. Dunlop:* Which boats are you referring to—the port boats or both the port and the starboard boats?—I refer to any boat in the ship.

2241. First of all, taking port boats, in your evidence, you told us that after the ship was torpedoed and you went on deck, you loosened all the collapsible boats on the port side?—That is so.

2242. What did you do in order to release these boats on the port side. What did you remove?—I removed the gripes. Had we been able to use the falls for the ordinary boats, then after we got back the falls we could have got number 22A into the water and then got numbers 22B and 22C back under the davits for lowering again.

2243. Did you loose everything in the port side boats that would prevent those boats from floating when the vessel sank?—I removed everything.

2244. What did you do with the starboard boats?—After I came up from getting my lifebelt I noticed that number 21d and 21e were still fast. I removed the gripes from those boats.

2245. Were they in a condition in which they could float?—That side was all clear. Both sides of the ship were clear at the after end.

2246. Were the canvas coverings of these boats removed?—The canvas covers were not removed but that would not prevent the boats floating. The canvas covers would burst as soon as the boats entered the water. They were just hanging over the boats.

The Commissioner: "After you went back will you tell me all that you saw then. First of all did you notice anything about the port holes?—(A.) Yes, Our cabin being on the same deck as the dining room, on passing out on the second occasion, I saw water streaming into the dining room. I thought to myself it was through the port-holes, as it was a sort of jet of water coming down, not in any large quantity, but as if it was pouring through a hole." I should scarcely describe water coming through a port-hole as a jet. I have read this and I think this lady was wrong in supposing that that water came from the port-holes.

Mr. Branson: I respectfully agree, but I call attention to it.

The Commissioner: Then there is another bit of evidence of a man who said he clutched at a port-hole.

Mr. Branson: Yes, that is on page 51, Question 1844. The passenger says he saw an open port-hole about 2 feet above him and clutched it, but could not hold on.

Mr. Cotter: The Board of Trade have statements of witnesses to this effect, but they were never called, and I was expecting they would be called.

The Commissioner: I cannot control the Board of Trade, you know, as to what evidence they call. It is their duty to see that the Court is properly furnished with the evidence and I must rely on their Counsel to do it.

Mr. Cotter: I am raising the point now, my Lord, that the witnesses have told the Board of Trade what I say.

The Commissioner: I cannot help it. Is there anything else?

Mr. Branson: We have the carpenter here. Your Lordship wanted to ask him about whether the skids were removed or not.

The Commissioner: I wanted to ask him as to whether these collapsible boats were in such a condition before the ship went down, that when the ship went down they would float in the water?

Mr. Branson: Then we will re-call him, my Lord.

2247. Do you say nothing more could have been done to these boats than you did do?—Nothing.

2248. In order to enable them to float when the ship sank?—That is so.

2249. Were any of them carried down with the ship, do you know?—I do not think so. I think all the boats turned up on the after end of the ship.

2250. All the collapsible boats?—I think so.

The Commissioner: Do you know what has become of all these boats. Have any then been picked up.

Mr. Dunlop: No, my Lord, I do not.

The Commissioner: Do you know, Mr. Aspinall, whether any of these boats have been picked up?

Mr. Butler Aspinall: I know six lifeboats were picked up, and some of the collapsible boats, but I do not know the number.

2251. *The Commissioner:* (To the witness.) You remember the collapsible boats on the after end of the ship?—Yes, my Lord.

2252. There were eight there, I think, four on each side?—Five on each side.

2253. I am talking about the collapsible boats which had no large lifeboats above them?—Yes, that is so.

2254. There were eight of those?—Yes.

2255. Four on each side?—Four on each side.

2256. Two and two, and two and two? That is so.

2257. What arrangements were there for dropping those boats into the water. Were there any davits?—Yes.

2258. Where?—We had to bring the boats along on the rail on the deck.

2259. In order to lower those collapsible boats into the water you had to push them along a rail until they got under the davits which supported the regular lifeboats. That was the way in which it was intended to be done?—That is so.

(The witness withdrew.)

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MR. ALBERT LASLETT.

*Continued.**The Commissioner:* Is Mr. Laslett here?*Mr. Dunlop:* Yes, my Lord.*The Commissioner:* Just let him come back for a moment; but before I ask him a question, where is Mr. Robertson?

MR. ROBERTSON, recalled.

2260. *The Commissioner:* Robertson, were you the man who unloosed the gripes of these collapsible boats?—Yes, my Lord.

2261. Did you do it yourself?—Yes.

2262. Did you do it at each boat?—With assistance. I unloosened the gripes. Two of the stewards were cutting the lashings from the canvas covers. I unloosened the gripes myself.

2263. Did you personally see, with respect to each boat, that it was so loosened that it would float?—I did.

Mr. Clem Edwards: Will your Lordship look at the answer to this witness to Question 1624, on page 45?

The Commissioner: Yes. "From the time you knew that a torpedo had struck the ship till the time you got to your boat station, how long was it?—(A.) About three minutes, as near as I can judge. (Q.) Did you during those three minutes see the captain, or either of the officers?—(A.) No." What is the point of it?

Mr. Clem Edwards: The point is this. If from the time the torpedo struck the ship when he was down below until he gets to his boat station a period of three minutes elapsed and in the meantime this witness says he had removed the gripes from the boats on the boat deck—

The Commissioner: Does he say "in the meantime"? I do not think he means that at all.

Witness: As I explained, I was working at removing the gripes until I got launched off the ship.

The Commissioner: I think he means, Mr. Edwards, that he did it afterwards. Is not that so?

2264. *Mr. Clem Edwards:* (To the Witness) How long did it take you to remove the gripes?—It took, from the time I got up there, that was, three minutes, and allowing the ship to sink in 20 minutes, 17 minutes that I was working there.

2265. And you went to your boat station first, did you?—Yes.

2266. And you left your boat station to see to the gripes, did you?—That is my boat station.

2267. When you speak of a boat station, you do not mean at a particular boat?—I do.

2268. Then if I understand you, you removed the gripes from all the boats?—That is so.

2269. If your boat station is a station at a particular boat, and you make immediately for your boat station what I want to know is this, was it before or after you got to your boat station that you removed

the gripes from the other boats?—I do not quite follow you.

The Commissioner: The question is plain enough.

2270. *Mr. Clem Edwards:* I will put the question again. According to your statement your boat station is a station at a particular boat, and you say that immediately the torpedo struck the ship when you were below, you went for your boat station, that is a station at a particular boat. You also say that you removed the gripes from all the boats. Now what I want to ask you is this. Did you remove the gripes from all the boats on your way from below to your boat station, or did you leave your boat station and afterwards remove the gripes of the other boats?—I made my way to my boat station. I removed the gripes on the port side, that was my station, from 22 to 22E. I then went down for my lifebelt. I came back on deck again, and as I came up on deck I noticed that 21D and 21E were still fastened and I removed the gripes from those two boats and left the starboard side quite free. That made the whole of that deck free, and the boats would float as soon as the ship sank.

2271. Then when did you remove the gripes from the other boats?—Do you mean on the starboard side?

2272. You have told the Court you removed the gripes from all the boats?—When I came up to my boat station (my boat station is No. 22 to 22E) I removed the gripes and my boats were all free on my side of the ship—the boats I had charge of.

2273. *The Commissioner:* From 22 to 22E is six boats, is it not?—That is so.

2274. *Mr. Clem Edwards:* Then it was those six boats from which you removed the gripes?—Yes.

2275. Who removed the gripes from the other boats?—On the starboard side?

2276. Yes.—Very likely the steward, or the man in charge there. I could not say.

2277. Anyhow, the gripes you removed were the gripes of six boats near your boat station?—Yes, and two on the other side, making eight boats altogether.

2278. Let us be quite clear about it. Were the gripes on the other side, besides the eight removed?—Yes.

2279. Who removed them?—Perhaps the man in charge.

2280. But did you see they were removed?—I did, when I was removing 21D and 21E.

(The Witness withdrew.)

The Commissioner: Now, I want to ask Mr. Laslett another question.

MR. ALBERT LASLETT, recalled.

2281. *The Commissioner:* I think it happened in this case, or there is some evidence that it did, or, if not, it happened in the case of the "Falaba," that the stern post of a lifeboat had been wrenched away when the lifeboat has not dropped evenly. Do you know that?—Yes. I did not know it had been stated in this case.

2282. Perhaps I have some confusion in my head about it; but you have heard of it?—Yes.

2283. The effect of wrenching away the stern post would be to cast the boat adrift, would it not?—It would.

2284. To loosen the whole boat and make it useless as a lifeboat?—It would.

2285. I want to ask you this question. How are these boats lowered at that end where the stern post is—what is the attachment to the stern post that tears the stern post out of its position?—It is not really attached to the stern post at all. A bar goes through the keel and it is screwed into a plate on the

underneath side of the keel and then clinched over. But what causes the stern post to come out is that when one end drops the pull on the hook and bar through the bottom is sideways and pulls the little portion of deck that exists at each end towards the stern post and bursts the planking and gunwale away.

2286. Can you suggest to me any means by which an accident of that kind can be prevented?—By altering the structure.

2287. In what respect?—All the arrangements that I have any experience of are open to some disability, but one of the arrangements which will not cause that particular damage to happen is, having the boat supported by a chain sling in a fore and aft direction. It is an arrangement in use on many boats.

2288. But could not you obviate it by preventing that strain in some way that you say comes upon the stern post?—Yes, by supporting the hook from the keel it could be done, in a fore and aft direction.

1 July, 1915.]

CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

2289. Can you tell me why that is not done?—I think boat builders consider that the deck which is fitted at each end a short piece of deck is sufficient to support the hooks sideways: but the shock is usually a very severe one, and a sudden one probably carries all that away.

2290. Then the arrangement does not prevent the sudden wrench of the falling boat from pulling the boat to pieces?—No, it would be very difficult to prevent that.

Further examined by MR. COTTER.

2291. You have heard the evidence about the boats swinging out from the ship's side a distance of six feet?—Yes.

2292. Which would make it difficult for women and children to get into them?—It would.

2293. Can you suggest anything to the Court which would prevent such a thing taking place?

The Commissioner: That is on the side on which the list is?

Mr. Cotter: Yes.

(The Witness withdrew.)

The Commissioner: Is there any further evidence?

Mr. Branson: There are two matters which I thought Captain Turner could speak to. One was the question as to whether there were any troops on board; and the other, the position of the cargo?

The Commissioner: I asked Sir Edward Carson whether the evidence covered that point, and he

assured me it did, and I took his word for it. Is there the least pretence for saying that there were any troops on board?

Mr. Branson: None, that I know of; but Captain Turner is here, and one question will settle it.

The Commissioner: Very well; but we cannot have all these re-opened, you know.

Captain WILLIAM THOMAS TURNER re-called.

2295. *The Commissioner:* Were there any Canadian troops on board?—None whatever.

2296. Were there any troops on board?—None whatever.

Mr. Branson: Then there is one thing more, and that is the position in which the cargo was stowed. The manifest has been put in, and I have here the cargo plan.

The Commissioner: I have been looking at this manifest, and I confess it is rather unintelligible to me. Is there anything in it which indicates where the particular goods described in it are stowed?

Mr. Branson: No, but there is a cargo plan which I can put in which will tell your Lordship exactly.

The Commissioner: Will you bring it here and show me.

(The learned Counsel explained the plan to the Commissioner.)

Mr. Butler Aspinall: Might I say in connection with what I think Mr. Branson has been telling your Lordship, this. He has been using a plan supplied by us. Your Lordship will notice there are two bulkheads between the place where the cargo was stowed and the section of the ship which was pierced by the torpedoes—a substantial distance fore and aft, and in that distance two bulkheads.

The Commissioner: Assuming the torpedo struck the ship as I think they say, between the third and fourth funnels, if that is accurate, how far would the torpedo be away from the cargo spaces where the cartridges were? I am told the evidence was that the torpedo struck the ship between the second and third funnels.

Mr. Butler Aspinall: Some people said the second and third and some between the third and fourth.

The Commissioner: At all events it was in the after part of the ship.

Mr. Butler Aspinall: Yes.

The Commissioner: About how far do you suppose the torpedo would be from the cargo space in which the cartridges were.

Mr. Butler Aspinall: Someone is getting it out according to scale. I am told by the representative of the Board of Trade it is about 50 yards and there are two bulkheads in that 50 yards.

The Commissioner: Thank you. Is there anything else?

2297. *Mr. Macmaster:* I should like to ask the captain a question. (To the Witness.) How far from the point where the disaster occurred is Fishguard?—I could not exactly say that without the chart.

2298. Cannot you tell me how many hours' sail?—It would be about 6 hours.

2299. Granting that the accident took place at 2 o'clock in the afternoon or thereabouts, in about 6 hours by fair sailing you would have arrived at Fishguard, providing it was your destination?—Yes, that is right.

2300. Was it not usual for the "Lusitania" and the "Mauretania" to go to Fishguard first and land passengers there?—It had been previous to the war.

2301. But had it been discontinued?—It was discontinued on account of the war, and we closed port also.

2302. You were on the previous journey the "Lusitania" made homeward?—I was.

2303. And you did not on that occasion go to Fishguard?—We did not.

Mr. Rose-Innes: May I call your Lordship's attention to what took place on the first day, on page 7, as I want to give your Lordship assistance as far as I can. You will see, immediately after Question 123 on the top of the left-hand column, I said this to the Court: "The other questions I desire to put"—

The Commissioner: I remember it quite well.

Mr. Rose-Innes: I was not present, of course, at what took place in camera, and I cannot tell whether the questions I desired to put have been put by the Attorney-General. I had framed two or three questions to put to the captain. I do not want to do any injustice to the captain himself, but I want to know whether he had a conversation with a lady passenger with regard to taking on board a pilot before he reached the Irish coast, and his answer to that question.

The Commissioner: You see I do not know what the question was, and I do not know what the answer was and you do.

Mr. Rose-Innes: No, I do not, my Lord; I was not present.

The Commissioner: I know you were not, but I suppose you have been told about the question.

Mr. Rose-Innes: Not a word, my Lord. I am in a state of perfect innocence, for once.

1 July, 1915.]

CAPTAIN WILLIAM THOMAS TURNER.

[Continued.]

The Commissioner: Well, you know what a desire for knowledge once led to: It led to an awful disaster from which we have never recovered. I think you had better leave it alone.

Mr. Rose-Innes: There are two things. There is the interests of my clients, and if your Lordship says I had better leave it alone——

The Commissioner: I think so. I do not know what it is, and not knowing what it is I am in a position to say I think that you had better leave it alone.

Mr. Rose-Innes: One appreciates your Lordship's advice on all occasions.

Examined by Mr. CLEM EDWARDS.

2304. Going at 18 knots an hour, how long would it take the ship to describe a quarter circle?—I could not exactly say, but going 25 knots she would go the circle in about eight minutes.

2305. A complete circle?—Yes.

2306. Supposing at 25 knots an hour she was pointing due north, how long would it take her to get her pointing half-way between east and north?—That is an eighth of a circle?

2307. Yes?—If she takes eight minutes to go the circle what would she do the eighth of a circle in?

2308. She would not do the circle in less than eight minutes at 25 knots?—No, I do not think so.

2309. And you do not know what she would take to do the quarter circle at 18 knots?—I do not.

2310. *The Commissioner:* Does she do the first quarter circle as quickly as the second?—No.

2311. Does she do the second as quickly as she does the third?—I do not think so.

2312. Then of course the speed is varying?—Of course the speed reduces all the time.

The Commissioner: And I am told they never turn on a circle. Now are there any more questions?

Mr. Branson: I have Commander Scott here, from the Navy, my Lord.

The Commissioner: You may put him in if you like, but I am satisfied on that point.

Mr. Branson: If your Lordship is satisfied, there is no need to put him in.

The Commissioner: The Court does not desire to hear him.

Mr. Dunlop: The distance your Lordship asked about, between where the torpedo struck the ship and the cargo space has been measured, and it is 150 feet.

The Commissioner: That is 50 yards. Is there anyone else in the room who desires to give evidence? (No answer.) Apparently not.

Adjourned.

SHIPPING CASUALTIES.

(LOSS OF THE STEAMSHIP "LUSITANIA.")

REPORT of a Formal Investigation into the circumstances attending the foundering on 7th May, 1915, of the British Steamship "Lusitania," of Liverpool, after being torpedoed off the Old Head of Kinsale, Ireland.

Presented to both Houses of Parliament by Command of His Majesty.



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Report on the Loss of the "LUSITANIA" (S.S.)

THE MERCHANT SHIPPING ACTS, 1894 TO 1906.

IN THE MATTER OF the Formal Investigation held at the Central Buildings, Westminster, on the 15th, 16th, 17th and 18th of June, at the Westminster Palace Hotel on the 1st of July, and at the Caxton Hall, Westminster, on the 17th of July, before the Right Honourable LORD MERSEY, Wreck Commissioner, assisted by Admiral Sir F. S. INGLEFIELD, K.C.B.; Lieutenant-Commander HEARN; Captain D. DAVIES; and Captain J. SPEDDING, acting as Assessors, into the circumstances attending the loss of the steamship "Lusitania," of Liverpool, and the loss of 1,198 lives at a spot ten to fifteen miles south of the Old Head of Kinsale, Ireland, on the 7th May, 1915.

REPORT OF THE COURT.

The Court, having carefully enquired into the circumstances of the above-mentioned disaster, finds, for the reasons appearing in the annex hereto, that the loss of the said ship and lives was due to damage caused to the said ship by torpedoes fired by a submarine of German nationality whereby the ship sank.

In the opinion of the Court the act was done not merely with the intention of sinking the ship, but also with the intention of destroying the lives of the people on board.

Dated this seventeenth day of July, 1915.

MERSEY,

Wreck Commissioner.

We concur in the above Report,

F. S. INGLEFIELD.

H. J. HEARN.

DAVID DAVIES

JOHN SPEDDING.

} *Assessors.*

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ANNEX TO THE REPORT.

INTRODUCTION.

On the 18th May, 1915, the Board of Trade required that a Formal Investigation of the circumstances attending the loss of the "Lusitania" should be held and the Court accordingly commenced to sit on the 15th June.

There were six sittings, some of which were public and some of which were in camera. Thirty-six witnesses were examined, and a number of documents were produced. Twenty-one questions were formulated by the Board of Trade, which are set out in detail at the end of this annex.

THE SHIP.

The "Lusitania" was a Turbine steamship built by John Brown & Co., of Clydebank, in 1907, for the Cunard Steamship Company. She was built under Admiralty Survey and in accordance with Admiralty requirements, and was classed 100 A.1. at Lloyd's. Her length was 755 feet, her beam 88 feet, and her depth 60 feet 4 in. Her tonnage was 30,395 gross and 12,611 net. Her engines were of 68,000 h.p. and her speed $24\frac{1}{2}$ to 25 knots. She had 23 double-ended and two single-ended boilers situated in four boiler-rooms.

The ship was divided transversely by eleven principal bulkheads into twelve sections.

The two forward bulkheads were collision bulkheads without doors. The remaining bulkheads had watertight doors cut in them which were closed by hand. In places where it was necessary to have the doors open for working the ship they could be closed by hydraulic pressure from the bridge. A longitudinal bulkhead separated the side coal bunkers from the boiler-room and engine-rooms on each side of the ship.

The "Lusitania" was a passenger as well as an emigrant ship as defined by the Merchant Shipping Acts. She fulfilled all the requirements of the law in this connection and had obtained all necessary certificates.

She had accommodation on board for 3,000 persons (including the crew).

The Life-Boats and Life-Saving Appliances.

The ship was provided with boat accommodation for 2,605 persons. The number of persons on board on the voyage in question was 1,959.

The number of boats was 48. Twenty-two of these were ordinary life-boats hanging from davits—eleven on each side of the boat deck. These had a total carrying capacity of 1,323. The remainder (26) were collapsible boats, with a total carrying capacity of 1,282. Eighteen of these collapsible boats were stowed under eighteen of the life-boats. The remaining eight were stowed four on each side of the ship abaft the life-boats.

In addition the ship was provided with 2,325 life-jackets (125 of which were for children) and 35 life-buoys. All these were conveniently distributed on board.

The boats, the life-jackets and the life-buoys were inspected at Liverpool on the 17th March, 1915, by the resident Board of Trade Surveyor, and again on the 15th April, 1915, by the Board of Trade Emigration Officer. Both these gentlemen were called before me and satisfied me that the condition of the different appliances was in every way satisfactory.

The boats were also examined by the ship's carpenter at New York on the commencement of the homeward voyage on the 1st May and found to be in good order.

The Captain, the Officers and the Crew.

The Captain of the ship, Mr. William Thomas Turner, had been in the service of the Cunard Company since 1883. He had occupied the position of Commander

since 1903, and had held an Extra Master's Certificate since 1907. He was called before me and gave his evidence truthfully and well. The "Lusitania" carried an additional Captain named Anderson, whose duty it was to assist in the care and navigation of the ship. He was unfortunately drowned when the ship went down, and I can only judge of his capacity, by the accounts given to me of the work he did. Several of the officers gave their evidence before me and gave it well. I am quite satisfied that the two Captains and the officers were competent men, and that they did their duty. Captain Turner remained on the bridge till he was swept into the sea and Captain Anderson was working on the deck until he went overboard and was drowned.

It appears that since the commencement of the war the Cunard Company has lost all its Royal Naval Reserve and Fleet Reserve men, and the managers have had to take on the best men they could get and to train them as well as might be in the time at their disposal. In connection with this training prizes have been given by the Company to induce the crews to make themselves proficient in handling the boats, and the efforts in this direction seem to have been successful in the case of the "Lusitania's" crew. Mr. Arthur Jones, the First Officer, described the crew on this voyage as well able to handle the boats, and testified to their carrying out the orders given to them in a capable manner. One of the crew, Leslie N. Morton, who, at the time the ship was torpedoed was an extra look-out on the starboard side of the forecastle head, deserves a special word of commendation. He had been shipped in New York. He was only 18 years of age, but he seems to have exhibited great courage, self-possession and resource. He was the first to observe the approach of the two torpedoes, and before they touched the ship he had reported them to the bridge by means of the megaphone, calling out "Torpedoes coming on the starboard side." When the torpedoes struck the ship, Morton was knocked off his feet, but, recovering himself quickly, he went at once to the boats on the starboard side and assisted in filling and lowering several of them. Having done all that could be done on board, he had, as he expresses it, "to swim for it." In the water he managed to get hold of a floating collapsible life-boat and, with the assistance of another member of the crew named Parry, he ripped the canvas cover off it, boarded it, and succeeded in drawing into it fifty or sixty passengers. He and Parry rowed the life-boat some miles to a fishing smack, and, having put the rescued passengers on board the smack, they re-entered the life-boat and succeeded in rescuing twenty or thirty more people. This boy, with his mate Parry, was instrumental in saving nearly one hundred lives. He has cause for being proud of the work he did. Morton had a good opportunity of judging how the crew performed their duties in the short time which elapsed between the explosion of the torpedoes and the foundering of the ship. He saw the crew helping the women and children into the boats; he saw them distributing life-belts to the passengers. He heard the officers giving orders and he observed that the crew were obeying the orders properly.

Some of the passengers were called, and they confirm this evidence. They speak in terms of the highest praise of the exertions made by the crew.

No doubt there were mishaps in handling the ropes of the boats and in other such matters, but there was, in my opinion, no incompetence or neglect, and I am satisfied that the crew behaved well throughout, and worked with skill and judgment. Many more than half their number lost their lives.

The total crew consisted of 702, made up of 77 in the Deck Department, 314 in the Engineering Department, 306 in the Stewards Department and of 5 musicians. Of these, 677 were males and 25 were females. Of the males, 397 were lost, and of the females, 16, making the total number lost, 413. Of the males 280 were saved, and of the females, 9, making the total number saved, 289.

I find that the conduct of the masters, the officers and the crew was satisfactory. They did their best in difficult and perilous circumstances and their best was good.

The Passengers.

The number of passengers on board the "Lusitania" when she sailed was 1,257, consisting of 290 saloon, 600 second-cabin, and 367 third-cabin passengers.

Of these, 944 were British and Canadian, 159 were American, and the remainder were of seventeen other nationalities. Of the British and Canadian, 584 perished. Of the American 124 perished, and of the remainder 77 perished. The total number lost was 785, and the total number saved was 472.

The 1,257 passengers were made up of 688 adult males, 440 adult females, 51 male children, 39 female children, and 39 infants. Of the 688 adult males, 421 were lost and 267 were saved. Of the 440 adult females, 270 were lost and 170 were saved. Of the 51 male children, 33 were lost and 18 were saved. Of the 39 female children, 26 were lost and 13 were saved. Of the 39 infants, 35 were lost and 4 were saved.

Many of the women and children among those lost died from exhaustion after immersion in the water.

I can speak very well of the conduct of the passengers after the striking of the ship. There was little or no panic at first, although later on, when the steerage passengers came on to the boat deck in what one witness described as "a swarm," there appears to have been something approaching a panic.

Some of the passengers attempted to assist in launching the boats and, in my opinion, did more harm than good. It is, however, quite impossible to impute any blame to them. They were all working for the best.

The Cargo.

The cargo was a general cargo of the ordinary kind, but part of it consisted of a number of cases of cartridges (about 5,000). This ammunition was entered in the manifest. It was stowed well forward in the ship on the orlop and lower decks and about 50 yards away from where the torpedoes struck the ship. There was no other explosive on board.

The Ship Unarmed.

It has been said by the German Government that the "Lusitania" was equipped with masked guns, that she was supplied with trained gunners, with special ammunition, that she was transporting Canadian troops, and that she was violating the laws of the United States. These statements are untrue: they are nothing but baseless inventions, and they serve only to condemn the persons who make use of them. The steamer carried no masked guns nor trained gunners, or special ammunition, nor was she transporting troops, or violating any laws of the United States.

THE VOYAGE.

The Departure from New York.

The "Lusitania" left New York at noon on the 1st of May, 1915. I am told that before she sailed notices were published in New York by the German authorities that the ship would be attacked by German submarines, and people were warned not to take passage in her. I mention this matter not as affecting the present enquiry but because I believe it is relied upon as excusing in some way the subsequent killing of the passengers and crew on board the ship. In my view, so far from affording any excuse the threats serve only to aggravate the crime by making it plain that the intention to commit it was deliberately formed and the crime itself planned before the ship sailed. Unfortunately the threats were not regarded as serious by the people intended to be affected by them. They apparently thought it impossible that such an atrocity as the destruction of their lives could be in the contemplation of the German Government. But they were mistaken: and the ship sailed.

The Ship's Speed.

It appears that a question had arisen in the office of the Cunard Company shortly after the war broke out as to whether the transatlantic traffic would be sufficient to justify the Company in running their two big and expensive ships—the "Lusitania" and the "Mauretania." The conclusion arrived at was that one of the two (the "Lusitania") could be run once a month if the boiler power were reduced by one-fourth. The saving in coal and labour resulting from this reduction would, it was thought, enable the Company to avoid loss though not to make a profit. Accordingly six of the "Lusitania's" boilers were closed and the ship began

to run in these conditions in November, 1914. She had made five round voyages in this way before the voyage in question in this enquiry. The effect of the closing of the six boilers was to reduce the attainable speed from $24\frac{1}{2}$ to 21 knots. But this reduction still left the "Lusitania" a considerably faster ship than any other steamer plying across the Atlantic. In my opinion this reduction of the steamer's speed was of no significance and was proper in the circumstances.

THE TORPEDOING OF THE SHIP.

By the 7th May the "Lusitania" had entered what is called the "Danger Zone," that is to say, she had reached the waters in which enemy submarines might be expected. The Captain had therefore taken precautions. He had ordered all the life-boats under davits to be swung out. He had ordered all bulkhead doors to be closed except such as were required to be kept open in order to work the ship. These orders had been carried out. The portholes were also closed. The lookout on the ship was doubled—two men being sent to the crow's nest and two men to the eyes of the ship. Two officers were on the bridge and a quartermaster was on either side with instructions to look out for submarines. Orders were also sent to the engine-room between noon and two p.m. of the 7th to keep the steam pressure very high in case of emergency and to give the vessel all possible speed if the telephone from the bridge should ring.

Up to 8 a.m. on the morning of the 7th the speed on the voyage had been maintained at 21 knots. At 8 a.m. the speed was reduced to 18 knots. The object of this reduction was to secure the ship's arrival outside the bar at Liverpool at about 4 o'clock on the morning of the 8th, when the tide would serve to enable her to cross the bar into the Mersey at early dawn. Shortly after this alteration of the speed a fog came on and the speed was further reduced for a time to 15 knots. A little before noon the fog lifted and the speed was restored to 18 knots, from which it was never subsequently changed. At this time land was sighted about two points abaft the beam, which the Captain took to be Brow Head; he could not, however, identify it with sufficient certainty to enable him to fix the position of his ship upon the chart. He therefore kept his ship on her course, which was S. 87 E. and about parallel with the land until 12.40, when, in order to make a better landfall he altered his course to N. 67 E. This brought him closer to the land, and he sighted the Old Head of Kinsale. He then (at 1.40 p.m.) altered his course back to S. 87° E., and having steadied his ship on that course began (at 1.50) to take a four-point bearing. This operation, which I am advised would occupy 30 or 40 minutes, was in process at the time when the ship was torpedoed, as hereafter described.

At 2 p.m. the passengers were finishing their mid-day meal.

At 2.15 p.m., when ten to fifteen miles off the Old Head of Kinsale, the weather being then clear and the sea smooth, the Captain, who was on the port side of the lower bridge, heard the call, "There is a torpedo coming, sir," given by the second officer. He looked to starboard and then saw a streak of foam in the wake of a torpedo travelling towards his ship. Immediately afterwards the "Lusitania" was struck on the starboard side somewhere between the third and fourth funnels. The blow broke number 5 life-boat to splinters. A second torpedo was fired immediately afterwards, which also struck the ship on the starboard side. The two torpedoes struck the ship almost simultaneously.

Both these torpedoes were discharged by a German submarine from a distance variously estimated at from two to five hundred yards. No warning of any kind was given. It is also in evidence that shortly afterwards a torpedo from another submarine was fired on the port side of the "Lusitania." This torpedo did not strike the ship: and the circumstance is only mentioned for the purpose of showing that perhaps more than one submarine was taking part in the attack.

The "Lusitania" on being struck took a heavy list to starboard and in less than twenty minutes she sank in deep water. Eleven hundred and ninety-eight men, women, and children were drowned.

Sir Edward Carson, when opening the case, described the course adopted by the German Government in directing this attack as "contrary to International Law and the usages of war," and as constituting, according to the law of all civilised countries, "a deliberate attempt to murder the passengers on board the ship." This statement is, in my opinion, true, and it is

made in language not a whit too strong for the occasion. The defenceless creatures on board, made up of harmless men and women, and of helpless children, were done to death by the crew of the German submarine acting under the directions of the officials of the German Government. In the questions submitted to me by the Board of Trade I am asked, "What was the cause of the loss of life?" The answer is plain. The effective cause of the loss of life was the attack made against the ship by those on board the submarine. It was a murderous attack because made with a deliberate and wholly unjustifiable intention of killing the people on board. German authorities on the laws of war at sea themselves establish beyond all doubt that though in some cases the destruction of an enemy trader may be permissible there is always an obligation first to secure the safety of the lives of those on board. The guilt of the persons concerned in the present case is confirmed by the vain excuses which have been put forward on their behalf by the German Government as before mentioned.

One witness, who described himself as a French subject from the vicinity of Switzerland, and who was in the second-class dining-room in the after part of the ship at the time of the explosion, stated that the nature of the explosion was "similar to the rattling of a maxim gun for a short period," and suggested that this noise disclosed the "secret" existence of some ammunition. The sound, he said, came from underneath the whole floor. I did not believe this gentleman. His demeanour was very unsatisfactory. There was no confirmation of his story, and it appeared that he had threatened the Cunard Company that if they did not make him some immediate allowance on account of a claim which he was putting forward for compensation, he would have the unpleasant duty of making his claim in public, and, in so doing, of producing "evidence which will not be to the credit either of your Company or of the Admiralty." The Company had not complied with his request.

It may be worth while noting that Leith, the Marconi operator, was also in the second-class dining-saloon at the time of the explosion. He speaks of but one explosion. In my opinion there was no explosion of any part of the cargo.

Orders given and work done after the torpedoing.

The Captain was on the bridge at the time his ship was struck, and he remained there giving orders until the ship foundered. His first order was to lower all boats to the rail. This order was obeyed as far as it possibly could be. He then called out, "Women and children first." The order was then given to hard-a-starboard the helm with a view to heading towards the land, and orders were telegraphed to the engine-room. The orders given to the engine-room are difficult to follow and there is obvious confusion about them. It is not, however, important to consider them, for the engines were put out of commission almost at once by the inrush of water and ceased working, and the lights in the engine-room were blown out.

Leith, the Marconi operator, immediately sent out an S.O.S. signal, and, later on, another message, "Come at once, big list, 10 miles south Head Old Kinsale." These messages were repeated continuously and were acknowledged. At first, the messages were sent out by the power supplied from the ship's dynamo; but in three or four minutes this power gave out and the messages were sent out by means of the emergency apparatus in the wireless cabin.

All the collapsible boats were loosened from their lashings and freed so that they could float when the ship sank.

The Launching of the Life-boats.

Complaints were made by some of the witnesses about the manner in which the boats were launched and about their leaky condition when in the water. I do not question the good faith of these witnesses, but I think their complaints were ill-founded.

Three difficulties presented themselves in connection with the launching of the boats. First, the time was very short: only twenty minutes elapsed between the first alarm and the sinking of the ship. Secondly, the ship was under way the whole time: the engines were put out of commission almost at once, so that the way could not be taken off. Thirdly, the ship instantly took a great list to starboard, which made it impossible to launch the port side boats properly and rendered it very difficult for the passengers to get into the starboard boats. The port side boats were thrown inboard and the starboard boats inconveniently far outboard.

In addition to these difficulties there were the well-meant but probably disastrous attempts of the frightened passengers to assist in the launching operations. Attempts were made by the passengers to push some of the boats on the port side off the ship and to get them to the water. Some of these boats caught on the rail and capsized. One or two did, however, reach the water, but I am satisfied that they were seriously damaged in the operation. They were lowered a distance of 60 feet or more with people in them, and must have been fouling the side of the ship the whole time. In one case the stern post was wrenched away. The result was that these boats leaked when they reached the water. Captain Anderson was superintending the launching operations, and, in my opinion, did the best that could be done in the circumstances. Many boats were lowered on the starboard side, and there is no satisfactory evidence that any of them leaked.

There were doubtless some accidents in the handling of the ropes, but it is impossible to impute negligence or incompetence in connection with them.

The conclusion at which I arrive is that the boats were in good order at the moment of the explosion and that the launching was carried out as well as the short time, the moving ship and the serious list would allow.

Both the Captain and Mr. Jones, the First Officer, in their evidence state that everything was done that was possible to get the boats out and to save lives, and this I believe to be true.

THE NAVIGATION OF THE SHIP.

At the request of the Attorney-General part of the evidence in the Enquiry was taken in camera. This course was adopted in the public interest. The evidence in question dealt, firstly, with certain advice given by the Admiralty to navigators generally with reference to precautions to be taken for the purpose of avoiding submarine attacks; and secondly, with information furnished by the Admiralty to Captain Turner individually of submarine dangers likely to be encountered by him in the voyage of the "Lusitania." It would defeat the object which the Attorney-General had in view if I were to discuss these matters in detail in my report; and I do not propose to do so. But it was made abundantly plain to me that the Admiralty had devoted the most anxious care and thought to the questions arising out of the submarine peril, and that they had diligently collected all available information likely to affect the voyage of the "Lusitania" in this connection. I do not know who the officials were to whom these duties were entrusted, but they deserve the highest praise for the way in which they did their work.

Captain Turner was fully advised as to the means which in the view of the Admiralty were best calculated to avert the perils he was likely to encounter, and in considering the question whether he is to blame for the catastrophe in which his voyage ended I have to bear this circumstance in mind. It is certain that in some respects Captain Turner did not follow the advice given to him. It may be (though I seriously doubt it) that had he done so his ship would have reached Liverpool in safety. But the question remains, was his conduct the conduct of a negligent or of an incompetent man. On this question I have sought the guidance of my assessors, who have rendered me invaluable assistance, and the conclusion at which I have arrived is that blame ought not to be imputed to the Captain. The advice given to him, although meant for his most serious and careful consideration, was not intended to deprive him of the right to exercise his skilled judgment in the difficult questions that might arise from time to time in the navigation of his ship. His omission to follow the advice in all respects cannot fairly be attributed either to negligence or incompetence.

He exercised his judgment for the best. It was the judgment of a skilled and experienced man, and although others might have acted differently and perhaps more successfully he ought not, in my opinion, to be blamed.

The whole blame for the cruel destruction of life in this catastrophe must rest solely with those who plotted and with those who committed the crime.

FINDING OF THE COURT.

I now set out the questions formulated by the Board of Trade, together with the findings of the Court in answer thereto.

1. When the " Lusitania " left New York on the 1st May, 1915—

- (a) What was the total number of passengers on board, and how many of them were women or children?
- (b) Were there any troops on board?
- (c) What was the total number of her crew and their respective ratings?
- (d) What cargo had she on board and where was it stowed?

Answer:

- (a) See p. 5 of Annex.
- (b) No.
- (c) See p. 5 of Annex.
- (d) See p. 6 of Annex.

2. Did the " Lusitania " before leaving New York comply with the requirements of the Merchant Shipping Acts, 1894 to 1906, and the Rules and Regulations made thereunder?

Answer:

Yes.

3. Were any instructions received by the Master of the " Lusitania " from the owners or the Admiralty before or during the voyage from New York as to the navigation or management of the vessel on the voyage in question? Did the master carry out such instructions.

Answer:

Yes.

No, but see p. 9 of Annex.

4. Were any messages sent or received by the " Lusitania " with reference to enemy submarines during the voyage?

Answer:

Yes.

5. What was the state of the weather and sea on the 7th May, 1915? Was the position, course, or speed of the " Lusitania " on that day in any way affected by the weather?

Answer:

Fine and calm.

See p. 7 of Annex.

6. Were any submarines sighted from the " Lusitania " on or before the 7th May, 1915? If so, when and where was any submarine sighted, and what was the position, course, and speed of the " Lusitania " at such time?

Answer:

None before the attack.

7. Was the " Lusitania " attacked by a submarine on the 7th May, 1915? If so, can the submarine be identified? Did the submarine display any, and if so, what flag? Was it a German submarine?

Answer:

Yes.

It was not identified.

It displayed no flag.

It was a German submarine.

8. When and how and in what circumstances was the attack made by the submarine on the "Lusitania"?

Answer:

See p. 7 of Annex.

9. Before and at the time the "Lusitania" was attacked—

- (a) What was her position, course, and speed?
- (b) Was such position, course, and speed proper in the circumstances?
- (c) Was the master in charge of her?
- (d) Had a proper look-out been set, and was it being kept?
- (e) What flag was the "Lusitania" flying?

Answer:

- (a) See p. 7 of Annex.
- (b) See p. 9 of Annex.
- (c) Yes.
- (d) Yes.
- (e) None.

10. Before the submarine made the attack—

- (a) Was any, and if so, what warning given to the "Lusitania" by the submarine of her presence or intention to attack, or was any, and if so, what signal given or communication made by the submarine to the "Lusitania"?
- (b) Was any, and if so, what request made by the submarine to the "Lusitania" to stop?
- (c) Was any, and if so, what opportunity given to any persons on board the "Lusitania" to leave her?

Answer:

- (a) No.
- (b) No.
- (c) No.

11. Was any, and if so, what action taken by those on board the "Lusitania" before she was attacked—

- (1) To escape from the submarine?
- (2) To resist visit or search?
- (3) To avoid capture?
- (4) Or otherwise in reference to the submarine?

Answer:

No such action was taken.

12. Was the "Lusitania" armed? If so, how was she armed?

Answer:

No.

13. Was the "Lusitania" struck by one or more torpedoes? Where was she struck? What interval was there between the time the "Lusitania" sighted the submarine and the time she was struck?

Answer:

By two practically simultaneously.
The ship did not sight the submarine.

14. What was the effect on the "Lusitania" of being struck by the torpedo or torpedoes? Did any cargo or other thing on board the "Lusitania" explode or ignite or increase the damage caused by any torpedo? Did the "Lusitania" take any and what list? If so, what caused the list? How long after the "Lusitania" was struck did she sink, and what caused her to sink?

Answer:

See p. 7 of Annex.

No cargo or other thing exploded or ignited.

Yes, a heavy list to starboard.

The inrush of water.

About 20 minutes: the inrush of water through holes made by the torpedoes.

15. What measures were taken on the "Lusitania" after she was struck to save her or the lives of those on board of her? Were such measures reasonable and proper or otherwise? Was proper discipline maintained on board the "Lusitania" after she was struck?

Answer:

See pp. 8, 9 of Annex.

Reasonable and proper.

Yes, see pp. 5, 6 of Annex.

16. How many persons on board the "Lusitania" were saved, and by what means, and how many were lost? What was the number of passengers, distinguishing between men and women and adults and children, who were saved? What was the number of the crew, discriminating their ratings and sexes, who were saved?

Answer:

See pp. 5 and 6 of Annex.

17. Was any loss of life due to any neglect by the master of the "Lusitania" to take proper precautions or give proper orders with regard to swinging out of boats, or getting them ready for use, clearing away the portable skids from the pontoon decked life-boats, releasing the girdles of such boats, closing of watertight bulkheads or portholes, or otherwise before or after the "Lusitania" was attacked?

Answer:

No.

18. Were any other vessels in sight at the time the "Lusitania" was attacked or before she sank? If so, what vessels were they and what were their relative positions to the "Lusitania"? Did they render any, and if so, what assistance to the "Lusitania" or any of her passengers or crew?

Answer:

No other vessels were in sight.

19. What was the cause of the loss of the "Lusitania"? What caused the loss of life?

Answer:

The loss of the "Lusitania" and the loss of life was caused by the sinking of the ship by torpedoes from the submarine.

20. Was the loss of the "Lusitania" and/or the loss of life caused by the wrongful act or default of the master of the "Lusitania" or does any blame attach to him for such loss?

Answer:

No.

21. Does any blame attach to the owners of the steamship "Lusitania"?

Answer:

No.



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